A Study to Answer the Question:
Was the Métis Election of 2004 run in a fair and democratic manner such that its results can be relied upon by Métis people and the Government of Saskatchewan?

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I would like to express my thanks to the many Métis people who helped me in the compilation of this report. Your kindness and hospitality will be long remembered.

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Introduction

The Three Criteria Basic to an Election

Any organization, from local club to nation state, that purports to operate on democratic principles, must follow three basic criteria that ensure elections are fair and democratic. People voting in an election must have faith in the electoral process itself even though they may not necessarily welcome the election results. Without that faith on the part of the voters that the election process is fair and honestly run, only cynicism and disaffection can result.

The *first criterion* is that there be a set of rules and regulations that clearly outline the electoral process and are fair and enforceable. The rules and regulations governing elections for the Métis Nation of Saskatchewan are contained in *The Métis Nation - Saskatchewan Election Act, 1999*, (the "MNS Election Act") and the *Métis Nation of Saskatchewan Election Regulations* (the "MNS Election Regulations"). Copies of the MNS Election Act and the MNS Election Regulations are to be found respectively as Appendix A and B of this report. This MNS Election Act and MNS Election Regulations were enacted by the Métis Nation of Saskatchewan Legislative Assembly pursuant to the *Constitution of the Métis Nation of Saskatchewan* (the "MNS Constitution Act") (Article 8) which is appended hereto as Appendix C. Other legislation that impacts upon the Métis electoral process are *The Métis Nation Legislative Assembly Act, 1999* (the "MNS Legislative Assembly Act") (Appendix D); *The Métis Nation - Saskatchewan Senate Act, 1999* (the "MNS Senate Act") (Appendix E); and the *Métis Nation - Saskatchewan Citizenship Act, 1999* (the "MNS Citizenship Act") (Appendix F). Provincial legislation that bears upon the Métis Nation of Saskatchewan are *The Métis Act* (Appendix G) and *The Non-profit Corporations Act 1995*, the relevant sections of which are to be found in Appendix H.

The *second criterion* is that the rules and regulations outlining the electoral process are in fact followed and are clearly seen by the electorate as having been followed.

The *third criterion* is that there be provision for the settlement of any disputes that might materially affect the outcome of the election, by an independent tribunal.

This report will look first at the second of these criteria to see whether or not the rules and regulations outlining the electoral process were followed in those polls about which most complaints were voiced.

The Second Criterion

Western Region I

Meadow Lake Local #31

Complaints have centered around people not being allowed to vote because they were not issued their Métis Citizenship card by the Local; names of voters not being entered in the poll book; and the ballot box leaving the polling place after close of poll, unsealed.

In the matter of the presentation of a Métis Citizenship Card in order to vote, "Article 7 - Electors" of the MNS Election Act states only that:

> "7. In order to cast a ballot in an election, an elector shall:
> 7.1 Meet the requirements of Eligibility pursuant to this Act.
> 7.3 Be on the Electoral List on Election Day. (My underlining)
> 7.4 Vote at the polling station closest to where they are registered and ordinarily resident ...
> 7.6 Notwithstanding s.7.3, a member/citizen who has been missed from inclusion on the Electoral List upon the signing of a Declaration Form, accompanied by producing his/her Métis Nation - Saskatchewan membership/citizenship card shall be added to the Electoral List and allowed to vote (amended July 4, 2003)."

In contrast to Article 7 of the MNS Election Act, the MNS Election Regulations state at Section 14.7.3:

> "If the elector's name is on the Electoral List of that polling station, then the elector shall present his/her proper identification to the election officer for verification."

The MNS Election Act states that if the voter's name is on the electoral list they may vote. Only when the voter's name is not on the electoral list must a voter produce a membership/citizenship card and sign a declaration. The MNS Election Regulations say however, that the voter's name must be on the electoral list and the voter must also present "proper identification" to the electoral officer for verification.

In his Deputy Returning Officer and Poll Clerk Instructions sent with the ballot box to the polls on election day, the Chief Electoral Officer states:

> "... When the voter arrives at the polls and is not on the voter's list, he/she must produce a Métis Nation Saskatchewan citizenship card and sign the declaration. Samples of cards which are considered valid is being sent to the DRO for comparison. Métis Local membership cards signed only by the President are not acceptable." (My underlining)

The MNS Election Act Section 7.3 and the MNS Election Regulations Section 14.7.3 contradict each other on whether or not a "proper identification" is necessary if the voter is listed on the electoral list. The CEO's instructions to DRO's agree with the MNS Election Act Section 7.3. Clearly the intention was only to require the voter to produce a membership/citizenship card if their name was not on the electoral list and a Declaration Form had to be signed. It is easy to see, however, why it was almost universally believed that it was necessary for the voter to produce a citizenship card because of the heavy emphasis placed on the kinds of cards that were acceptable in order to sign a Declaration Form.

This problem was further exacerbated in Meadow Lake because of the ill-feeling between the established Local #31, which is recognized by the MNS, and a new Local which is being formed by a group of disaffected Métis people which is not yet registered. As a result it would appear that names were left off the electoral list and some membership cards were not distributed. Recognition of this second Local by the MNS would rectify the situation, but in the meantime it is not possible to quantify what effect this situation may have had on the Local poll results.

As regards the names of voters not being entered in the poll book, the MNS Election Act, Article 2 Interpretation, at section 2.16 defines "Poll Book" as follows:

> "'Poll Book' shall mean the list of names of citizens who have received ballots at an election pursuant to this Act."

The MNS Election Regulations under Section 29 "Poll Book" states:

> 29.1 "The poll book shall contain the names of all electors listed on the Electoral List and the signatures of all electors next to their name on the Electoral List."

MNS Election Regulations at Section 14.7.4 state:

> 14.7.4 "... the election officer shall require the elector to sign his/her name opposite the place where it appears in the Poll Book maintained by the election officer."

Again the MNS Election Act and the MNS Election Regulations contradict each other, the former stating that the poll book should list the names only of those who received ballots, the latter stating that all the names on the electoral list should be entered in the poll book with those receiving ballots signing for them opposite their name. The MNS Election Act has the proper interpretation of the function of a poll book and takes precedence over the MNS Election Regulations.

The Deputy Returning Officer and Poll Clerk Instructions sent by the CEO with the ballot boxes states as follows:

> "Poll Book - As a voter arrives, the DRO must have each person voting sign the poll book including the postal address, etc. ...".

This is the correct procedure and is clear enough to be easily understood. In the Meadow Lake poll, however, the procedure outlined by the CEO was ignored. Instead, the names of voters to whom ballot papers were issued were merely crossed off the voter's list (a copy of which was not made available to scrutineers until they managed to photocopy a list later on) on the grounds that it would take too long if every voter signed the poll book. This procedure was followed despite objections from scrutineers present. The DRO stated to me that no training was provided to election officials and that since he started out that way he continued the practice all day for the sake of consistency.

Thus, according to the DRO and the scrutineers present, no person who voted signed the poll book and the only record of who voted is a voter's list with the names of those who voted crossed off.

The last complaint deals with the sealing of the ballot box at the end of the day. After the counting of the ballots at the end of the evening, everything was put into the ballot box but the ballot box was not sealed by the DRO according to the scrutineers present. Despite their objections, the ballot box was taken out of the polling place unsealed and was even dropped, spilling two envelopes, which were picked up and replaced in it. The reason given by the DRO to the scrutineers as to why the box was not sealed was that a receipt had to be put in it before it was sent back to the CEO.

On the tally sheet provided by the CEO of the Official Count, the notes at the bottom show the number of voters listed in the poll book as having voted as 288. This is a very strange notation in light of the fact that the local election officials and

scrutineers all agree that no names were signed in the poll book that election day, but merely crossed off the Electors' List. Stranger still is that the tally sheets show a total of 297 ballots cast for the presidential candidates. If the poll book was blank or there was no poll book in the ballot box it is odd that none of the scrutineers at the Official Count made a note to that effect, but Meadow Lake Local #131 was one of the few tally sheets that had no objections noted on it of any kind. I spoke to a scrutineer present at the Final Count and he stated that the poll book did in fact not contain any names. The integrity of the ballots was surely compromised in light of the ballot box leaving the polling place unsealed.

Are the irregularities outlined above sufficient to challenge the official election results?

If the names of those who voted are not entered in a poll book and a line drawn under the last signature and the rest of the page X'd out so that no further names can be added; and if instead names of voters are merely crossed off a voter's list with nothing to prevent further names being crossed off later, then that ballot box has a problem. Compound this with the ballot box leaving the polling place unsealed and one can only declare the Meadow Lake ballot box irredeemably tainted. Again, one would need access to the ballot box in order to verify these assertions, but on the evidence presented here I feel the ballots should be discounted. Since in the presidential race alone, Roth's voters exceeded Doucette's by 65 and Roth's margin of victory over Doucette was 26, the discounting of the Meadow Lake poll would have the effect of overturning the election result in the presidential race.

Western Region IA

Frenchman Butte Local #92

Complaints have centered around the appointment of the deputy returning officer (DRO) and poll clerk; the location of the polling place; the revised voters' list; and the final count.

The appointment of the DRO and poll clerk is covered under the MNS Election Act and Regulations as follows:

MNS Election Act Section 4.6:

> "The Métis Elections Commission shall appoint the Local Returning Officers and Poll Clerks required to conduct an election, based on the recommendation of the Chief Electoral Officer."

MNS Election Regulations Section 2.2.1 directs that:

> "The Chief Electoral Officer shall recommend to the Métis Election Commission appointments for all election officers based on the recommendations of the Local. The Chief Electoral Officer shall supervise and appoint for each Local where a polling station is established a Deputy Returning Officer and a Poll Clerk." (my underlining)

The President of Frenchman Butte Local #92 is listed in the MNS Local Directory (Revised April 2004) as Mr. Gordon C. Howard of Frenchman Butte. In response to a letter from the CEO dated February 19, 2004 requesting the names of a DRO and poll clerk. Mr. Howard sent in his list of voters to the Chief Electoral Officer (CEO) and phoned the CEO to let him know that he would act as DRO, and his wife Mary Gordon would act as poll clerk. Mr. and Mrs. Gordon have acted as DRO and poll clerk for several past elections and their house has been used as the polling station as, says Mr. Howard, all members of Local #92 know.

According to Mr. Howard, the CEO verbally agreed to this arrangement and apparently in the past this verbal arrangement has sufficed. Up until election day Mr. Howard believed himself and his wife to have been accepted as election officials, carrying out the duties as requested by the CEO of posting the initial voters' list up in Frenchman Butte, posting the revised voters' list up in Frenchman Butte,

and receiving membership cards to distribute to Local #92 members. The MNS Election Act Section 5.11 states that the CEO shall "Compile and distribute to each polling station, a final Election List, pursuant to this Act, prior to election day." This list was sent to Mr. Howard at Frenchman Butte further confirming that the polling station was to be there. When Mr. Howard received the revised voters' list he contacted the CEO by phone because of the large numbers of added voters who were unknown to him and was told by the CEO to get them to swear declarations - again confirming in Mr. Howard's mind that he was the appointed DRO.

By election day no ballot box had been received and attempts to contact the CEO were unsuccessful. Mr. and Mrs. Howard had no idea where or if a local poll was held, could not as a consequence vote themselves and as far as they know none of their members voted either.

Apparently a poll was held for Local #92 at Smokin' Lens Hotel in Paradise Hill, (a fact that did not come to light until the appeals process some months later), run by a DRO unknown to the Howard's, by name of Eric Osecap, with an address listed as Gen. Del. Frenchman Butte. This gentleman is not a member of Local #92, was not recommended to be DRO by the President of Local #92, and there is no named poll clerk in any of the records of the poll.

This appointment contradicts the MNS Election Regulations noted above under which the CEO "shall recommend to the Métis Election Commission appointments for all election officers based on the recommendations of the Local." (my underlining). There is no provision in the Election Act and Regulations for anyone other than the Local to recommend election officers. Mr. Osecap is not a member of Local #92, and his name does not appear on either the original or the revised voters' lists. There is a note on the final count tally sheet alleging that he is Treaty. If this is so, then he would be ineligible to act as a DRO since under the MNS Election Act Section 5.5 "... The Chief Electoral Officer must only recommend election officers that meet the requirements of Eligibility...".

Eligibility is defined in the MNS Election Act Section 6.1:

> "6. In order to participate in an election, the participant shall:
> 6.1 Be a citizen of the Métis Nation - Saskatchewan."

As regards the advertising of the location of the polling place, MNS Election Regulations Section 11 Procedures at Polls states:

"11.1 Within ten (10) days after the nomination (of candidates) deadline, the Chief Electoral Officer will have posted in each Regional Office and within each Local a notice showing:
11.1.1 The names of the candidates nominated and
11.1.2 The date and time and place where polls will be open for the taking of votes for the candidates nominated." (my underlinings)

One would assume that a notice of poll would have been received by the person (Mr. Howard) who was instructed to publicly post up the voters' lists. No such notice was received and as a result Local #92 members were unaware that the poll was to be elsewhere than where it had previously been held, at the home of Mr. Gordon, the president of the Local. In fact, some Local #92 members went there to vote and had to be turned away because there was no ballot box.

In the matter of the voter's list, the MNS Election Act Article 8 - Electoral List states:

"8. The Electoral List shall:
8.1 List all the Electors eligible to vote in an election.
8.1.1 The electors shall be listed by Local.
8.2 Be compiled by the Chief Electoral Officer from the most recent Local Citizenship Lists on file at the Métis Nation - Saskatchewan Office.
8.3 a) Be revised only during a publicly announced revision period. The revision period shall be between the date of the Election Proclamation and twenty days prior to election day to a maximum period of one hundred days.
b) The draft Electoral List shall be posted in the Regions and Locals and be accessible to all Métis citizens.
8.4 Upon provision of evidence to the satisfaction of the Chief Electoral Officer, of a legitimate error or omission, a citizen can have his/her name added to, or removed from the Electoral List during the revision period."

The MNS Election Regulations Section 4 deals with revision procedures.

"4. Revision Procedures
4.1 The Chief Electoral Officer will forward to the Local Presidents a temporary Electoral List which is compiled from the Métis Local membership lists on file at the Métis Nation of Saskatchewan Registry Office. The Local Presidents will be responsible for submitting to the Chief Electoral Officer the names and contact information of any new members and

striking the names of members who have since deceased or transferred from their Local registry.

4.2 The Chief Electoral Officer will revise the temporary Electoral List and ensure that the revised Electoral List is posted in a public place in each local community."

After the initial contact from the CEO, Gordon Howard as President of Frenchman Butte Local #92 submitted a handwritten list of members that contained 56 names and addresses and it was received, typed up and returned for posting in the Local as per MNS Election Regulations Section 4.1 above. The list was duly posted up.

Some two or three days before election day, the CEO sent the revised electoral list per MNS Election Regulations Section 4.2 above. This revised list retained the 56 names on the first list but included 102 new names, none of which had been submitted by the Local President per MNS Election Regulations 4.1 above, none of which were known to the local Métis community, and all of which claimed to have postal addresses in Frenchman Butte. Under the MNS Election Act Section 8.4 quoted above, what evidence was provided to the CEO of legitimate errors or omissions to cause him to increase the Métis population of the small community of Frenchman Butte by a factor of 10? When the President of Local #92, Gordon Howard, checked with the post mistress of Frenchman Butte it transpired that not one of the 102 names had a postal address there.

The MNS Constitution Act, Article 10 - Citizenship, states the following:

"3.2 A person shall reside in the Local for at least six (6) months before he/she is eligible for membership in that Local ...

4.4 Membership cards shall be issued by the President or Secretary of a duly registered Local upon completion of the designated form."

The MNS Citizenship Act, Article 4 - Registration Process states the following:

"4.2 The Métis Nation Saskatchewan Local President or Secretary must issue a card recognizing the person as Métis if they meet the requirements of this Act, but not before they are registered by the Registrar."

Clearly these 102 people whose names were added to the Local #92 voters' list had not been resident in the Local for at least six (6) months as required by MNS

Constitution Act Article 10.3.2, since they were unheard of prior to the appearance of the revised list, and their addresses were all false.

Clearly under Article 10.4.4 of the MNS Constitution Act, they were not issued memberships by the Local president and did not present the designated application forms to him in order to obtain memberships.

Clearly under Article 4.4.2 of the MNS Citizenship Act these 102 names were not registered with the Registrar as belonging to Local #92 or their citizenship cards would have been forwarded to the President of Local #92 to be issued to them which did not happen. The only membership cards the President received for distribution were to Local members on his initial voters' list.

(i) The Official Count

The tally sheet from the Official Count shows the following:

- The poll book and Oath of Secrecy were signed by the DRO but not by a poll clerk;
- 204 ballots were initially received, yet somehow 206 ballots are accounted for;
- The Regional Rep's votes add up to 58 but are reported as 59; and
- Challenges to the box include:
  - that the one voter who voted by declaration was a status Indian,
  - that all the signatures in the poll book of those having voted are "similar",
  - that the DRO is a treaty Indian,
  - the location of the ballot box was not known to all voters,
  - that "ballot improperly initialed by DRO",
  - a comment made by a scrutineer present at the Official Count about this poll book was "... half of the people that voted on there are all from Onion Lake First Nations".

Were the rules and regulations outlining the electoral process followed in Frenchman Butte Local #92?

1. The DRO was not recommended to the CEO by the president of Local #92 contrary to MNS Election Regulations Section 2.2.1. It has also been alleged (though not proved) that the DRO is a treaty Indian and therefore ineligible to be a participant in a Métis election contrary to MNS Election Act Section 6.1.

2. No poll clerk appears to have been present at the poll contrary to MNS election Regulations Section 2.2.1. Since no scrutineers appear to have been present, the ballots were presumably counted solely by the DRO. (If there was a poll clerk appointed, there is no record of who it was either in the poll book or on the tally sheet).

3. No public notice of where the poll was to be held was posted in the Local contrary to MNS Election Regulations Section 11, thus effectively disenfranchising many who would otherwise have voted.

4. 102 names were added to the revised voters' list contrary to MNS Election Regulations Section 4.1; contrary to the MNS Constitution Article 10 subsections 3.2, 4.4; and contrary to MNS Citizenship Act Article 4 subsection 4.2.

5. There were errors of addition on the Official Count Tally Sheets.

In conclusion, are any of the irregularities summarized above sufficient to challenge the Official Election Results?

The irregularities surrounding the appointment of the DRO, while contrary to the rules and regulations noted above, would not of themselves (assuming that the DRO acted honestly and in good faith) affect the result of the voting in that poll.

The lack of public notice of where the poll was to be held was more serious, since some voters were disenfranchised as a result, but it is not possible to quantify how many voters were so affected and therefore it is not possible to predict how the posting of such a notice might have been reflected in the numbers of ballots cast for the various candidates.

The addition of the 102 suspect names to the Revised Voters' List is another matter entirely. Since one of the scrutineers present at the official count states that all the voters' signatures in the poll book were "similar', and that "half of the people that voted on there are all from Onion Lake First Nations", it would appear that some 30 voters cast ballots who were not eligible to vote in the election. This in itself would not affect the outcome of the executive and regional positions with the exception of the presidency. The winning margin in the race for the presidency province-wide was only 26 votes, and here we have perhaps some 30 ballots cast by people who were possibly ineligible to vote. Since all the votes cast in the race for the presidency in Local #92 went to Dwayne Roth, this potential irregularity in voting would reduce his winning margin by more than the 26 votes which separated him from the runner-up. An examination of the Poll Book and of the eligibility of the

names of the voters who are listed as having voted therein is needed in order to verify the results of this poll. If this is not possible, then the entire poll result should be discounted.

Comments on Rebuttal Evidence Prepared for the Métis Election Commission by Med-Wolf Investigations in Answer to the Appeals of Robert Doucette and Alex Maurice

Western Region 1A - Frenchman Butte Local #92

In a letter of defense dated for some reason, April 6, 2004, some five weeks before the May 26th election, and addressed "To whom it may concern", [redacted] of the MNS asserts that he was approached (by whom he does not say) regarding the inactivity of the Frenchman Butte Local. He states:

> "My position was simply that I believe Métis have the right to vote and IF there is problems in the lack of involvement by the Local President the same one should contact the Elections Chief Electoral Officer and arrange for a DRO at the Local poll. The name of Eric Osecap was mentioned to myself. I instructed them to contact the Election's Chief Executive Officer".

A similar letter from [redacted], dated July 26, 2004 (two months after the election) and also addressed "To whom it may concern", says much the same thing in regard to being approached by unnamed persons, and states that he "instructed them to contact the Chief Electoral Officer for the Métis Elections Commissions as I felt that all Métis should have the right to vote. The name of Eric Osęcap was mentioned as a possible DRO."

Neither of these people has any authority under MNS legislation to act in this manner. Neither of them has the authority to go behind a Local President's back, revise the Local's Voter's List by tripling its size with over 100 names of people with fictitious addresses, replace the DRO and Poll Clerk with an unknown DRO (who also gave a fictitious address), and remove the poll from Frenchman Butte and set it up at a place unknown to bona fide Local #92 voters. If they believed that all "Métis have the right to vote" as they say in the letters above, then surely they would not have kept the location of the polling place so quiet that it was not until this rebuttal evidence was presented to the MEC Appeals session that its location was discovered by most bona fide members of Local #92.

Neither Local #92 nor the DRO, Mr. Eric Osecap, were mentioned on the original list of Locals and election personnel distributed prior to the election that I can see, but in a copy sent out June 18, 2004 Local #92 is mentioned naming Eric Osecap (with his address as Gen. Del. Frenchman Butte) as DRO, no poll clerk being named. In the rebuttal evidence a hand-written receipt from Smokin' Lens Hotel in Paradise Hill states that a room was rented May 26th to Eric Osecap, who gives an address in North Battleford. A till receipt is also included but is dated June 5, 2004, nearly two weeks after the election. A person working at the hotel confirmed that there was a poll there stating that "they were all Indians that voted". Whether this term was generic or whether the person knew each vote specifically I could not ascertain. The fact that receipts had to be produced for a room in Paradise Hill to prove there was a poll there speaks eloquently to how poorly the poll was advertised.

It seems strange that [redacted] should become so concerned about the inactivity, real or perceived, of Locals so close to election time. Surely if they were that concerned they would have done something to revive Wilkie Local #132 a lot earlier than just before the election, or made enquiries in Frenchman Butte Local #92 to ascertain that it was indeed healthy and active and in no need of their attentions. Their interference in the Frenchman Butte poll has only tainted it and does not change my opinion noted above.

Wilkie Local #132

The complaints about this poll include the following:

- Wilkie Local #132 is listed as inactive and has no president;
- No notice of poll/voters' list were posted for Local #132;
- The polling place was not open from 8:00 AM to 8:00 PM; and
- Only a "few people" showed up at the polling place, yet some 150 odd ballots were deposited in the ballot box.

The appointment of the DRO and poll clerk at this poll was clearly not done according to the MNS Election Act Section 4.6 and the MNS Election Regulations Section 2.2.1 (both sections quoted above in full under Frenchman Butte).

Wilkie Local #132 is listed as "inactive" in the most recent (revised April 2004) Métis Nation Saskatchewan Local Directory. The last president of Wilkie Local #132 is said to have died two years ago and the Local has been inactive ever since. The DRO and poll clerk apparently reside either in North Battleford or Saskatoon.

Who recommended these names to the CEO, and why would he accept them for an "inactive" Local where there was no reason to establish a poll in the first place?

In the matter of advertising the location of the polling place, MNS Election Regulations Section 11.1; 11.1.1; and 11.1.2 (quoted above in full under Frenchman Butte) stipulate that within 10 days of nomination day the CEO will have posted in each Local a notice showing the date, time and place of polling. Such a notice was not posted in Wilkie for Wilkie Local #132. Further, the CEO, according to one candidate's sworn testimony, stated around Nomination Day, that no ballot boxes would be sent to Delmas, Wilkie, Hamlin and Maymont. This was repeated by the CEO to the candidate again the day before election day. Yet on election day, a poll was established in Wilkie.

Further to this, no Voters' List was posted in the Local as required by the MNS Election Act Section 8.3.(b) and no revised list of voters was posted in the Local as required by MNS Election Regulations Section 4.2.

Was the polling place open for the time period stipulated in MNS Election Regulations Section 14.6?

> "14.6 Polling shall begin at 8:00 AM and close at 8:00 PM on election day."

A letter from the manager of the Wilkie Homestead Inn, where the Wilkie Poll was held, states that a room was rented for that purpose from 9:30 AM to about 5:30 PM. The polling place was therefore not open for anywhere near the hours required by Section 14.6 above.

MNS Election Regulations Section 14.2 states:

> "14.2 In the event that the ballot box leaves the polling station during the hours of voting, the ballot papers within the box shall be considered invalid."

The ballots cast in this box should accordingly be rejected.

It was observed that only a "few" people visited the polling station while some 150 ballots were found in the ballot box.

In the letter from the Wilkie Homestead Inn, the manager further states that to the best of his knowledge, "only a few people showed up." I spoke on the telephone to the one person that I could discover who actually voted at the Wilkie Local #132 poll and in answer to my question as to what time of day she voted, said that it was about 1:00 PM. I further enquired as to whether she had signed the poll book and she said that she had. I asked her whether there were many signatures ahead of hers in the poll book and she said that she was the first person to sign it. We are therefore to believe that between 1:00 PM and 5:30 PM some 150 voters visited the poll which hardly jibes with the hotel managers' assertion that "only a few people showed up."

Further, scrutineers at the Official Count assert that the poll book was not signed and oaths were not taken and that the signatures of the voters in the poll book were "signed by the same person."

Also to be borne in mind is that in the last Métis election in 2001 when the Local was active, only 10 people voted - 15 times less people than voted this time when the Local was inactive.

In conclusion, are any of the irregularities summarized above sufficient to challenge the Official Election Results?

Article 7 of the MNS Constitution Act stipulates the functions and duties of Locals. Wilkie Local #132 clearly does not conform to Article 7.6; and 7.9 and is in fact listed as "inactive" in the MNS Local Directory of April 2004. As a result, no election officials could be appointed pursuant to the MNS Election Act Section 4.6 and MNS Election Regulations Section 2.2.1. No voters' list or revised voters' list were posted in the Wilkie Local pursuant to MNS Election Act Section 8.3 (b) and MNS Election Regulations Section 4.2 respectively. No notice of poll was posted during the required period detailing the date, time, and place of the poll per MNS Election Regulations Section 11.1; 11.1.1; and 11.1.2, and on election eve the CEO was reported to have said that there would be no poll in Wilkie. An eyewitness stated that "only a few people showed up" at the polling place and yet, despite all this, some 150 ballots somehow found their way into the ballot box.

The poll was not open during all the hours required by MNS Election Regulations Section 14.6 and therefore under MNS Election Regulations Section 14.2 the ballot box had left the polling station during the hours of voting and consequently "the ballot papers within the box shall be considered invalid".

It is also alleged that the DRO stated that she did not count the ballots in the box, but passed it on to others and "they took care of it." Since the results counted from this ballot box gave Roth 136 and the runner-up Doucette 2 and Roth's margin of victory was 26 votes, the invalidation of the ballots counted in this poll give Doucette the presidency by over 100 votes.

Comments on Rebuttal Evidence Prepared for the Métis Election Commission by Med-Wolf Investigations in Answer to the Appeals of Robert Doucette and Alex Maurice

Western Region IA - Wilkie Local #132

The President of Bickleigh/Plato Local #170 wrote a letter stating that she had gone to the Wilkie Motel at 4:45 PM because she had heard there was a poll there, but found it closed. The Med-Wolf investigator states that she "went to the wrong place to spy on a poll that wasn't there". The poll was not at the Wilkie Motel but at the Homestead Inn, known locally as "the hotel". This Local President, who actually resides in Wilkie, went looking for a polling place said to have been established for an inactive Local at the motel, found no poll, and assumed it had closed early. It seems strange that she could not find the polling place when some 150 out-of-town voters apparently managed to, and perhaps shows how poorly the poll was advertised locally. [redacted].

The letter from the manager of the Homestead Inn stated that "... a room was rented out on Wednesday, May 26th from about 9:30 AM to about 5:30 PM. To the best of my knowledge only a few people showed up ..." In a telephone conversation with myself, he sticks by this assertion and says that he commented that "they must have been bored sitting there all day with nothing to do". He also stated that "they came down to the bar about 5:30 and stayed till about 10". There is a letter from the DRO saying that the poll closed at 8:00 PM and three letters from people saying that they went to pick up the DRO and poll clerk around 8:00 PM. There is no statement as to how or at what time the election officer got to the polling place in the morning. Perhaps all these people are telling the truth as they saw it: the three people who went to pick up the DRO and poll clerk actually did arrive when they said; and the DRO and poll clerk could have left the ballot box in the room while they went to the bar assuming that it was still a polling place since the ballot box was still there. It would seem to me, however, that the hotel manager's version of events is likely the most accurate since he has no reason to manipulate the facts.

The poll in Wilkie was set up presumably at the instigation of Dave Ross. A letter from him dated July 2, 2004 and addressed "To whom it may concern" included in the Med-Wolf Investigation states the following:

> "In my position as Provincial Secretary, I had many dealings with the Métis of Wilkie - Trotchies, Lennies and Pritchards. I know in the past that the Lennie's were presidents of Wilkie Local #132. I had several calls trying to organize a polling station in Wilkie for the 2004 Métis Nation - Saskatchewan Elections. I told them to contact one of the Lennie's and maybe they would be a DRO for Wilkie.
>
> I also told them to contact the Chief Electoral Officer as I believed every Métis should have the right to vote."

On the voter's lists for Western Region IA Battle River Region, there are nine Trotchies, seven Lennies and three Pritchards listed. Of the nine Trotchies listed, eight have addresses in North Battleford and one in Lloydminster. Five of the nine Trotchies are listed as belonging to Battleford Local #106, three belong to North Battleford Local #30, and one to Border City Local #76. None have a Wilkie address or a Wilkie Local number. Of the seven Lennies listed on the Western Region IA voter's lists, all seven have North Battleford addresses and all seven are listed as members of Maymont Local #172. Of the three Pritchards listed on the Western RegionIA voter's lists, one has an address in North Battleford and belongs to Battleford Local #106, and the other two have no listed address but belong to Lloydminster Local #18. Thus of all these 19 people, 16 have addresses in North Battleford, one has an address in Lloydminster and all belong to Locals other than Wilkie Local #132. To vote at Wilkie, the seven members of the Maymont Local would have added some 30 kilometres to their round trip from North Battleford; the nine members of the North Battleford and Battleford Locals would have had to make an unnecessary round trip of 110 kilometres, and three members of Lloydminster and Border City Locals would have had to make unnecessary round trips in excess of 340 kilometres and all to vote at the Wilkie Local of which none of them were members.

Article 7 - Electors of the MNS Election Act states that:

> "In order to cast a ballot in an election, an elector shall:
> 7.4 Vote at the polling station closest to where they are registered and ordinarily resident ...".

The Constitution of the MNS states in Article 10 - Citizenship Section 3:

> "3.1 A member shall only belong to one (1) Local.

3.2 A person shall reside in the Local for at least six (6) months before he/she is eligible for membership in that Local."

I can find no reference in the MNS Constitution Act or in any MNS Election Act that gives the Provincial Secretary authority to intervene at the Local level. Further, why would a Provincial Secretary counsel members to breach Article 7 of the MNS Election Act and Article 10 of the MNS Constitution Act, in order to revive an inactive Local especially in light of their being only two Wilkie residents listed on the Western Region IA voter's lists, both of whom were already members of North Battleford Local #30.

An undated memo from Ralph Kennedy, Regional Director of Western Region IA to Isabelle Impey is also included in the Med-Wolf Investigation. It states re: Wilkie Local:

"Our region has begun working with the Wilkie members and have appointed Mr. Vern Amyotte as interim president of the Local. The Local will be having a general assembly in July 2004 to elect an executive for the Wilkie Local."

I could not find Vern Amyotte's name on any voter's list in the Western Region IA.

It is my understanding that people should reside within a 30 mile radius of a Local in order to belong to it. The voter's list which was concocted for Wilkie Local #132 had 209 names on it of people purporting to belong to Local #132. None of these names lived in Wilkie. 58 gave Battleford or North Battleford addresses, well over 30 miles away by road but just about 30 miles as the crow flies. The other 150 odd names on the voter's list all listed addresses at places (30 from Delmas, five from Denholm, nine from Maymont, 68 from Paynton, two from Sonningdale, and 37 from Speers) well over 30 miles distant as the crow flies, Speers being over 50 miles away. This makes the voter's list highly suspect. To revive an inactive Local just for an election (where in the 2001 Métis Election only ten people voted) and come up with over 200 names, none of whom live less than 30 odd miles away, and none of whom live in Wilkie, and then manage to get 150 people, over 70% of the voter's list, to turn out (one of the highest turnouts in the province) delivering a massive majority of their votes (over 85%) to the Roth/Kennedy slate is no mean feat and one which beggars belief.

I see no reason from this appeal submission to change my opinion that this ballot box should be discounted.

Denholm/Delmas Local #98
Hamlin Local #93
Marshall Local #94
Maymont Local #172

In Federal and Provincial elections the whole emphasis is to encourage every citizen to vote. It is an inclusive process. The Métis Nation Saskatchewan election is an exclusive process. It attempts to exclude everyone who is not Métis from voting, while allowing Métis citizens to cast a ballot. Thus in Provincial and Federal elections, no identification is required to vote, but in Métis elections, because of their necessarily exclusive nature, there has to be a way to identify those eligible to vote. Those who drafted the MNS Constitution Act, the MNS Citizenship Act, the MNS Election Act and the MNS Election Regulations and other Métis nation legislation recognized the need for Métis to be identifiable and organized the structure of the Métis Nation around local communities where people knew each other. Hence MNS Constitution Act, Article 7 Locals:

> "7.1 The Locals shall be the basic unit of the Organization in each community."

The MNS Constitution further reinforces this idea of membership in a Local as basic to the Métis nation in Article 10 - Citizenship:

> "2. Any Métis who is a member of a duly registered Local is a member of the Métis Nation of Saskatchewan.
> 3.1 A member shall only belong to one (1) Local.
> 3.2 A person shall reside in the Local for at least six (6) months before he/she is eligible for membership in that Local.
> 4.4 Membership cards shall be issued by the President or Secretary of a duly registered Local upon completion of the designated form."

The person has to be resident in the community for at least six (6) months before being eligible to join the Local and it is the Local that vets the person's Métis identity.

The MNS Citizenship Act continues this theme of the necessity for a Métis person to gain community acceptance before becoming a member of the Métis Nation Saskatchewan.

Article 2 - Interpretation at Section 2.7 defines community:

"'Métis community' shall mean the Locals as set out by the Constitution."

And then goes on to talk further on the subject in Article 3 - Community Acceptance.

"3. In this Act:
3.1 The Métis Nation - Saskatchewan shall accept a person as Métis if the person ... is accepted by a Métis community and ...
3.1.1 The person normally resides within the community or jurisdiction of the Métis Nation - Saskatchewan; and
3.1.2 The person expressly held him/herself out to be Métis in the community or jurisdiction.
3.2 The authorized Métis Local must make its decision impartially and in good faith."

From this initial step of community acceptance grows the citizenship registration process.

Article 4 - Registration Process:

"4.1 A person who wishes to be registered as a Métis may apply to a Métis Nation - Saskatchewan Local.
4.2 The Métis Nation - Saskatchewan Local President or Secretary must issue a card recognizing the person as Métis if they meet the requirements of this Act ...".

This concept that the Métis person's identity is tied into the Local Métis community where that person ordinarily resides and is known is continued by the MNS Election Act under Article 7 - Electors:

"7. In order to cast a ballot in an election, an elector shall:
7.2 Prior to the close of the Electoral List, transfer his/her citizenship to the Local where he/she is ordinarily resident.
7.3 Be on the Electoral List on Election Day.
7.4 Vote at the polling stations closest to where they are registered and ordinarily resident, pursuant to Article 7.2 of this Act. Electors may request of the Chief Electoral Officer that they be placed on the list of another polling station and such determinations shall be at the discretion of the Chief Electoral Officer. Adequate identification will have to be supplied by the elector to the election official, if such a request is made and a Declaration Form will have to be completed and signed.

Section 7.2 above then, expects Métis citizens to be ordinarily resident in the Local in which they seek to vote and to transfer to that Local in order to do so if they have moved their ordinary residence. They will then be included on that Local's Electoral List on election day. They are then expected to vote at the Local polling station closest to where they are registered and ordinarily resident and therefore by inference, known to the Local Métis community.

Article 8 of the MNS Election Act goes on to speak of Electoral Lists.

Article 8 - Electoral List:

> "8. The Electoral List shall:
> 8.1 List all of the Electors eligible to vote in an election.
> 8.1.1 The Electors shall be listed by Local.
> 8.2 Be compiled ... from the most recent Local Citizenship Lists ...".

All of the above goes to underline the fact that the MNS Constitution Act, MNS Citizenship Act and MNS Election Act expect a Métis citizen to vote in the Local Métis community where he/she is ordinarily resident and in which Local Métis community he/she is known.

MNS Election Act Section 7.6 contains a "notwithstanding" clause which allows someone who has been left off the Electors List of their Local to be allowed to vote upon showing a MNS citizenship card and signing a declaration.

> "7.6 Notwithstanding s.7.3 a member/citizen who has been missed from inclusion on the Electoral List upon the signing of a Declaration Form, accompanied by producing his/her Métis Nation - Saskatchewan membership/citizenship card shall be added to the Electoral List and allowed to vote."

This clause is quite tightly written and would apply perhaps to a citizen ordinarily resident in the Local in which they seek to vote, who has been missed from inclusion perhaps, for example, because they had recently turned 16 years of age and were voting for the first time.

A Métis voter then, should vote in the Local Métis Community where they are "ordinarily resident". A fake postal address does not make a voter "ordinarily resident". The postmistress at Maymont could not identify any of the 89 names on the voter's list that gave a Post Office Box or General Delivery address in Maymont. None of the 20 names on the Maymont voter's list giving a Post Office Box or

General Delivery address in Ruddell were known to the postmistress there. This means that there were at least 106 persons on the Maymont Local #172 Electoral List who were not "ordinarily resident" in the Maymont Local.

At the village of Marshall the postmistress could not identify over 30 of the 35 or so names giving an address as General Delivery Marshall - indeed there is no General Delivery at Marshall since all those using that post office are box holders and a general delivery service is not provided.

Hamlin is not on the road map of Saskatchewan published by MapArt Publishing, nor is it listed in that map's index. There is an elevator there, but no post office according to Canada Post, and so it is hard to believe that the entire voter's list of 54 names have an address as General Delivery, Hamlin, Sask. Canada Post North Battleford says that there is no address General Delivery Hamlin, and that Rural Route 3 covers the Hamlin area. Further, every address on the Hamlin Electoral List has the same postal code of S9A 2A7. Canada Post North Battleford affirms that postal code S9A 2A7 covers the odd numbers of the 900 block of 108th Street, North Battleford. These addresses are patently false and can therefore not be ordinary residences as the names on the voter's list claim. Hamlin Local #93 is a mystery: apparently it has no bona fide members and therefore no eligible voters, and so this ballot box with its 37 votes should be discounted.

There are 37 names on the voter's list for Wilkie Local #132 that claim to have postal addresses many kilometres away in Speers. None of these 37 names actually have a postal address in Speers according to the post mistress there.

The 102 names added to the revised Frenchman Butte electoral list all have a Frenchman Butte general delivery or post office box number and none of them are known at the post office there.

I did not have time to check every address on the voter's lists for the Western Region IA region but those I checked above show some 330 fake addresses. Some of the unsuccessful candidates checked addresses and alleged that they found people supposedly living in conditions as varied as ball diamonds in Lloydminster and Bowling Alleys in the Battlefords.

In summation, a voter giving a fictitious address is not an eligible voter. How many such ineligible voters would appear in the poll books of the Western Region IA as

having voted would become clear if the poll books were produced for examination. In all probability there would be more than enough to controvert the election.

The other problem with this region is the numbers of voters listed as living in one area but supposedly belonging to a Local far away. For instance, of the 33 people listed as living in Meota, 23 of them claim to be members of Maymont Local #172 which is over 100 kilometres distant. Of the 57 voters at Delmas, 30 say they are members of Wilkie Local #132, a good 80 or more kilometres away (when Paynton and the Battlefords are less than half that distance). I will not go on to list all of the anachronisms of address and Local in the Western Region IA for there are far too many: suffice it to say that the MNS Election Act Section 7.2 which states that an elector shall vote at the polling station closest to where they are registered and ordinarily resident was obeyed far more in the breach than in the observance.

A final comment concerns statistics. It can be seen from the following table that in Western Region IA the small rural communities of Denholm, Hamlin, Marshall, Maymont, Frenchman Butte and Wilkie had a voter turnout four times higher than that in the cities of that region.

	Local #	R. Doucette	A. Maurice	D. Roth	Total Votes Cast	Number of Voters on Voter's List	% Voter Turnout
Rural Polls							
Denholm/Delmas	98	11	6	125	142	250 (est.)*	56% (est.)
Hamlin	93	0	1	36	37	54	68%
Marshall	94	3	6	74	83	127	65%
Maymont	172	7	7	179	193	358	54%
Frenchman Butte	92	0	0	60	60	158	38%
Wilkie	132	2	13	135	150	209	72%
		23	33	609	665	1,160 (est.)	57% (est.)
		3%	5%	92%			
City Polls							
Lloydminster	18	6	34	2	42	221	19%
Border City	76	0	14	2	16	209	8%
North Battleford	30	8	12	31	51	451	11%
Battleford	106	1	5	10	16	32	50%
Paynton**	142	8	5	5	18	79	23%
		23	70	50	143	992	14%
		16%	49%	35%			

* I have not been able to find a voter's list for this poll

** Payton is included with the cities because there are no complaints laid against it and its voting pattern fits the norm rather than the odd.

Why would people drive or be driven such distances when in most cases they could have, or rather should have, voted much closer to home? Why were certain candidates mislead as to where and whether or not polls were to be set up in these communities? [redacted] admitted deliberately lying about the whereabouts of his Local poll to one particular candidate and sending her scrutineers on a wild goose chase justifying it on the grounds that [redacted] and why should he give information to the enemy. He then, [redacted], signed one of his own pro-forma letters which said:

> "To whom this may concern:
>
> My name is _____, I voted in Maymont Local for the Métis Nation - Sask. election on May 26, 2004. I had absolutely no problems finding the Maymont polling station. My local President has always kept me informed."
>
> Signature, Address, Phone Number"

He also in the same Med-Wolf investigation produced a photo of a hand-drawn sign with an arrow pointing across a street which read, "Vote Here", as proof that there was a polling station in Maymont on election day. Like a DRO would take along a camera to take such a picture? Surely a photo of the Notice of Poll at the polling station would have been better proof if in fact the photo was taken that day.

Combine this deceit over where or if these rural polls were to be established presumably to prevent opposition scrutineers from finding them, the peculiarities of the voter's lists involved and the dubious eligibility of those that voted, with the massive majority of votes (92% for one candidate as compared to his 35% city vote) and the motive behind all this manipulation becomes clear.

I feel that these six rural polls of Denholm, Hamlin, Marshall, Maymont, Frenchman Butte and Wilkie have so flouted the Métis Nation legislation to which they are subject that they are all tainted and should be thrown out unless the poll books are produced for examination. I feel certain that an examination of the poll books would show far more ineligible votes cast than the margin of victory of Roth over Doucette.

Western Region II

Prince Albert Local #7

The complaints are mainly in the area of the voter's list, the disposition of ballots after a scrutineer's challenge, membership cards, code of conduct in a polling place, and displaying campaign material outside a polling place.

The biggest single problem for Local #7 was the revised voter's list. A 52-page voter's list was sent in by the Local president, acknowledged by the Registrar's Office, acknowledged by Mr. Bourassa the CEO's assistant that it was in his hands, but the list sent in the ballot box on election day was the old 42-page list used, I believe, at the 2001 election. Ten pages of people who had joined Local #7 since 2001, or transferred from other Locals, were missing from the voter's list on election day. Further, with over 2000 members, Local #7 so far has received only some 300 citizenship cards, according to the Local President.

Thus a situation arose where many members' names were left off the list, and with few membership cards issued, declarations could not be made. It is estimated by some that as many as 150 voters were turned away that day from the Local #7 polling place.

A further 153 ballot papers were challenged at the Official Count as having been initialed by a person other than the DRO. These were apparently placed in a separate envelope at the Official Count and therefore dealt with appropriately it would seem.

The use of foul and abusive language at the polling station should have been dealt with by the DRO under the MNS Election Act Section 12 dealing with peace and good order in the polling place. Such conduct, while reprehensible, would not likely have affected how voters cast their ballots and so should not impact the results of the poll.

The presence of more than one scrutineer for a candidate at a polling station, while contrary to the MNS Election Regulations Section 13.2 which sets the limit of one scrutineer per candidate, again would not in itself have affected the poll results and so, while irregular, should not have the effect of tainting this poll.

As regards the allegation that a vehicle was parked near the polling place displaying a sign encouraging voters to vote for a particular candidate, nothing in the MNS Election Act or MNS Election Regulations forbids this. The MNS Election Regulations at Section 15.2 states:

> "No campaign material, literature or activity shall be permitted within the polling station ...". (My underlining)

The MNS Election Act and MNS Election Regulations are silent as regards such activity outside, or within a certain distance of the polling place. However the CEO, in his Instructions to DRO's and poll clerks states:

> "...No candidates posters and/or campaigning allowed outside or inside the polling building or within 30 meters."

Although such prohibitions are common to provincial and federal election legislation, I can find no such admonition in the MN-S Election Act and Regulations. Thus although I agree with the CEO's instruction in its spirit, it is not the letter of MNS legislation and is therefore not binding and certainly not something which is sufficient to taint a poll result.

The final complaint deals with challenges that scrutineers might have made to persons voting whom they considered ineligible. This complaint is common to many of the appeals and general complaints submitted and so must be examined in detail.

The duties and allowable activities of a scrutineer are alluded to in the MN-S Election Act section 10 which states in part:

> "10. Scrutineers shall:
>
> 10.4 Have been appointed by their candidate to represent him/her at that polling station, and to observe the election procedures on his/her behalf ... (My underlining)
>
> 10:5 Not impede, prevent, or otherwise interfere in any way with the free exercise of the elector's right to vote or in any way compel, induce or prevail on an elector to vote or to refrain from voting."

This section would seem to suggest that the scrutineer is supposed to be a more or less passive observer of the proceedings.

However, the MNS Election Regulations Section 29 states:

"29.2 The poll book shall contain a column for remarks by election officers.

29.3 The election officer shall make a note in the poll book of every objection to a ballot paper by a scrutineer and the officer's decision shall be final and binding on the count."

The intention of Section 29.3 above was likely to have been a directive to the DRO to make a note in the poll book of scrutineers' challenges to voters whom they perceived as ineligible, following on as it does from Section 29.2. It makes absolutely no sense otherwise.

The CEO's instructions to DRO's and poll clerks states:

"... Everything done in the election should be recorded by poll clerks and Deputy Returning Officers including objections by scrutineers."

"Objections" to voters or ballots is again not made clear.

The confusion seems to stem from the use of the word "objection". If a scrutineer wishes to raise a question as to the eligibility of a person wishing to vote at a provincial election, it is termed a challenge, and the DRO must ask the challenged voter to complete a declaration in order to vote (whether or not their name appears on the voter's list) and if the voter completes the declaration the ballot goes into the ballot box. The DRO would make a note of the challenge in the poll book. An "objection" might be raised by a scrutineer at the count regarding the acceptability of the marking on a ballot.

The MNS Election Act and MNS Election Regulations are silent on the matter of challenges by scrutineers except as noted above. The suggestion that the ballots of persons whom scrutineers challenged be placed in a separate envelope by the DRO, rather than in the ballot box, is completely unacceptable for the reason that in the event that only one person was challenged, the secrecy of that person's ballot would be breached. Similarly, if a number of voters were challenged and their ballots placed in an envelope, if they all happened to vote the same way, their ballots would no longer be secret.

Thus the complaint that challenged voters' ballots were not placed in a separate envelope are groundless. However, some mechanism should be included in the MNS election legislation to deal with how challenges should be handled in order to avoid confusion in future.

There were irregularities at Prince Albert Local #7 poll, but the irregularities were in the main such as to prevent otherwise eligible voters from voting. It is not possible to quantify how many people were prevented from voting or how their votes, had they been cast, might have affected the results. It is certainly no reason to disqualify the votes of those who did vote.

Timberland Local #121 (Shellbrook)

In the MNS Local Directory (revised April 2004) the president of Local #121 is listed as Peter Arcand along with his Debden address and phone number. Local #121 has approximately 225 members according to the president. According to one complainant, when talking to the CEO the day before election day, the CEO stated that Timberland Local #121 would not be receiving a ballot box as he did not know who the president was. Later that day he stated that Timberland Local #121 would have a ballot box but that it would be located in Debden at Debden's polling station. On the day of the election, residents of Shellbrook (Local #121) drove to Debden to vote, only to be told they did not have the Timberland (Shellbrook) ballot box. As a result none of the members of the Shellbrook Local voted that day.

Peter Arcand was elected President of Timberland Local #121 on February 13, 2004 and all necessary documents and information was sent in to the MNS. The president stated that he later discovered that the ballot box for Shellbrook Local #121 was sent to Leask to Roy Frederick's house (he being a past president of Local #121) and that the three votes in the box were of Roy Frederick and his family. I do not have access to any tally sheet or poll book for Shellbrook but have no reason to doubt President Arcand's word.

Here is another case of a large number of people, some 225, being deprived of their right to vote either deliberately or through ineptness. Again, one cannot quantify the number of voters who would have voted given the chance, or know how they would have voted. It does however seriously compromise the overall results of the election.

Victoire Local #129

The complaints here concern the location of the poll said to have been some 50 kilometres from the town of Victoire and the number of people on the voter's list not resident in the region. I could not find an accurate map of the Regions/Locals and without access to the tally sheet and poll book, I cannot see who or how many people voted so I can make no comment on this poll.

Prince Albert Local #269

It is alleged that at the Official count over 4 000 ballots were found in this box of which 1300 of the unused ballots had been pre-signed by the DRO on election day. This may not have influenced the results of the election but is certainly testament to the laxity of the CEO's control over the handling and distribution of ballots.

Western Region IIA

Cando Local #36
Outlook #155

Complaints have centered around the voters' list, the large number of voters, and the whereabouts of the ballot box between close of poll and final count, and the consequent late count of the ballots. (This latter complaint also includes the Outlook Local #155 ballot box.)

Cando is a very small and isolated village situated just off the #4 Highway, halfway between North Battleford and Biggar, both some 45 kilometres distant. I was told that in 1999, when the current president was first elected, some 10 Métis people attended the meeting and 21 Métis people were identified and listed as living in the village and a large area surrounding it. Present estimates of the number of Métis people in and around Cando have shrunk to 8 or 9, as many people have moved away.

Nevertheless, the official electoral list used at the Cando poll on election day managed to list 71 names. Of these, 45 were known to local Métis people. Of these known 45 Métis people, one person (who had died three years previously) was listed twice; one person (who had moved to Alberta over two years ago) was listed three times. Of the remaining 40 names on the list, 12 were residents of North Battleford which is not located in Western Region 11A; of the remaining 28, three had been dead for a considerable time; of the remaining 25, five live in Alberta, one lives in Ontario and has for at least 20 years, five live in Saskatoon, one lives in Lloydminster, two are alleged to be status Indians, and one was in prison. Thus out of the 71 names on the Official Voters' List, only 10 were names known to local Métis people as available to vote.

Of the 71 names on the official electoral list, 26 appear in the poll book as having voted. Of these 26 names, 14 have either stated that they did <u>not</u> vote at the Cando poll on that day or are known not to have voted. Of the 12 names from the official electoral list that appear in the poll book as having voted, only five people are known in the local community as eligible voters, the other seven are unknown to local people.

However, despite there being only 10 names on the official electoral list that local Métis people considered available to vote, 93 names actually appear in the poll book

as having voted at the Cando poll! Even if it is assumed that all 12 people on the official electoral list whose names appear in the poll as having voted, actually voted, this still leaves 81 people who would have had to make a special journey all the way to Cando to vote.

I am the first to admit that the village of Cando is not without its charms, its very isolation being one of them, yet I fail to see the exercise of these as being a sufficiently powerful magnet to attract 81 people to its village hall on that day. Further, no unusual vehicular traffic was noticed by residents of the village. Apparently a mass of people sufficient to almost double the village population managed to arrive and depart unnoticed to vote at a hall overlooked by several houses. This, however, could not have been a surprise to the DRO since with only 15 of the 71 voters on the official electoral list possibly requiring declaration forms his prescience allowed him to furnish the 60 voters who signed declarations that day with the necessary documents. Such attention to detail is perhaps surprising in light of the fact that the voters were not allowed to sign the poll book themselves but had their names printed in for them.

No notice of the date, time and place of polling was posted up in Cando Local within 10 days of Nomination Day as required by MNS Election Regulations Section 11.1 and 11.1.2. No voters' list was posted in Cando Local pursuant to MNS Election Act Section 8.3.(b), neither was a revised voters' list posted pursuant to MNS Election Regulations Section 4.2.

The poll itself was a half hour or so late in opening, although this was due to the custodian of the hall living some miles out of town and not remembering that it was booked for that day. This apparent irregularity can thus be excused and no charge under MNS Election Regulations Section 14.2 of its being a "travelling" ballot box should be levied. However, the box does seem to have "wandered" after close of poll as results were late in being phoned in and the box did not appear for a number of days before the final count, according to several people. The ballot box from Outlook Local #155 (also in Western Region IIA) was also late in reporting and was also missing for a while by all accounts.

When the initial poll-by poll results for Western Region IIA were first published, they did not include Cando or Outlook. There was no final poll-by-poll result published to my knowledge, but when the tally sheets from the final count are tallied for Western Region IIA, they include Cando and Outlook and the difference can be seen in the table below.

	WRIIA Initial Poll-by-Poll	WRIIA from Tally Sheets	Difference Initial Count Tally Sheets	Cando Tally Sheet	Outlook Tally Sheet	Total Cando + Outlook
President						
R. Doucette	522	533	+11	15	1	16
A. Maurice	68	91	+23	17	0	17
D. Roth	192	278	+86	60	21	81
Total	**782**	**902**	**+120**	**92**	**22**	**114**
Area Rep						
H. Cummings	158	233	+75	49	22	71
V. Polsfut	267	275	+8	16	0	16
K. Crane	107	117	+10	6	0	6
D. Parenteau	100	107	+7	5	0	5
W. Trotchie	133	153	+20	16	0	16
Total	**765**	**885**	**+120**	**92**	**22**	**114**

The difference between the initial count done on election night, and the tally sheets from the final count is some 120 votes. The total ballots cast at Cando and Outlook come to some 114. This would seem to prove that the ballot boxes from both Cando Local #36 and Outlook Local #155 were indeed not counted on election night and were in fact not counted until the final count some days later. (The discrepancy of six votes can be accounted for by the fact that the counting and additions of the results were full of inaccuracies.)

In conclusion, are the irregularities surrounding the Cando and Outlook ballot boxes sufficient to challenge the official election results?

Taking Cando first, it has been noted that the poll was not advertised nor the electoral lists displayed pursuant to the directives of the MNS Election Act and the MNS Election Act Regulations. Although few people in Cando were aware of the poll being held there, some 90 persons are supposed to have come from far and wide to vote. If these 90 people actually voted then many were guilty of personation and a study of the poll book would doubtless show a sufficient number to overcome the winning margin of Roth over Doucette and thus to precipitate a new election. If these 90 odd individuals did not vote, then the ballot box was in all likelihood stuffed at some point during its disappearance after close of poll. The Outlook ballot box which also disappeared after close of poll is also a candidate for having been stuffed. However, one would again need to see the poll book before being able to fully justify such assertions, but if the poll books are not available, then these two polls should be discounted.

Scott Local #112

To my knowledge there was only one complaint about this poll, but it was investigated since there were 27 names on the voters' list, 27 votes were cast, and all 27 votes were cast for the same candidate.

The poll was held at the home of the President of Scott Local who lives in Wilkie. She offered herself as DRO and her daughter as poll clerk, but an alternate poll clerk unrelated to her was requested and she named a non-relative to the position who was duly appointed. The voters' list sent in by the president contained 27 names and was returned to her unchanged and no names were added during the revision process. On election day 27 people on the voters' list voted, one of whom was listed on the Ruthilda Local #105 voters' list and voted at that Local, not at Scott, and one person who voted was not on the list but swore a declaration. After an in-depth interview with the DRO I was satisfied that the election was run smoothly and well from the delivery of the ballot box to its return. As far as everyone voting the same way is concerned, I was told that only one candidate made contact with the Local, and since the other candidates were unknown entities, the voters opted for the candidate they knew something about.

Without access to the poll book, I must conclude that this poll result is valid even though statistically suspicious.

Saskatoon - CUMFI Local #165

The complaints against this poll are two-fold, the issuing of membership cards on election day, and the activities of a candidate outside the polling station allegedly seeking support from those entering to vote.

In the matter of the membership cards it is readily admitted by Local #165 members that this was done. However, the cards were not "issued" in the sense of having been issued on that day purely for voting purposes. The membership cards had been received by the Local over the months previous to the election but those members to whom they had been issued had not yet been in to pick them up. On the day of the Election, since the polling place was across the street from the Local #165 office, many people took the opportunity to pick up their cards. Since the MNS Registrar was issuing membership cards to Locals a few days prior to the Election, presumably for people properly registered as citizens in the appropriate time frame, I

see no difference in the two situations and see no reason for censure of Local #165 for distributing these cards.

One candidate was alleged to have entered the polling station on three separate occasions and was asked to leave after each visit by the DRO and he did so. However it was the DRO from Local #11 who alleges this.

The same candidate is alleged to have been talking to voters outside the polling station on three occasions during the day but while ill-advised, this is not precluded under the MNS Election Act or Regulations. The same complainant alleges that the candidate "offered to pay at least some of the voters $20.00 if they would vote for him". On investigation I find this to be a malicious nonsense and the fact that it is so carefully worded underlines my assessment.

As to the letter purported to have been written by the DRO for Local #11 about miscellaneous infringements that occurred at the Local #165 poll and retained by the CEO and not shared with the candidates, I find this a most peculiar complaint since only the CEO knows the contents of this letter and it was written by an election official not in attendance at the Local #165 poll. If there were any such further "infringements" they would surely have been reported by the election officials and/or scrutineers at that polling place. Since none were so reported by them and there is nothing noted on the tally sheet, this letter, if it exists, should not be of any consideration.

I see no reason why the results of this poll should be questioned.

Saskatoon - Gabriel Dumont Local #11

This complaint in this instance is made against the [redacted] of Local #11, [redacted] who is alleged to have issued old MNS cards to people not entitled to vote in order to get them to vote. This is a very different situation to that which occurred at the CUMFI Local #165 poll where cards that had been properly issued through the MNS Registrar in the appropriate time frame were simply picked up by members who had not for whatever reason gotten around to picking them up in the weeks and months before the election.

The MNS Citizenship Act, Article Four - Registration Process states:

"4.2 The Métis Nation - Saskatchewan Local President or Secretary must issue a card recognizing the person as Métis if they meet the requirements of this Act, but not before they are registered by the Registrar". (My underlining)

The MNS Citizenship Act at Article Six - Central Registry goes on to say:

"6.7.4 In the event that the Registrar accepts the registration, the Registrar forwards a signed standardized Métis Nation Saskatchewan Citizenship Card to the Métis Local President or Secretary who when issues the standardized Métis Nation Saskatchewan Citizenship Card to the person."

The MNS Election Act, Section 3 states:

"3.6 All granting of new Citizenship Cards to the Métis Nation - Saskatchewan shall be suspended from the date of the close of the Electoral List until the day after the general election is held."

By issuing membership cards to people not registered by the Registrar, [redacted] has contravened the MNS Citizenship Act Section 4.2. [redacted] contravened the MNS Citizenship Act Section 6.7.4 by issuing old membership cards signed by himself and not the new standardized MNS citizenship cards signed by the Registrar. [redacted] also contravened the MNS Election Act Section 3.6 by giving out membership cards during the period after the close of the electoral list and before the day after election day.

How many such cards were distributed is not known (I have personally seen four such cards, signed and numbered by [redacted], but not yet distributed), but there are two documented cases of persons who had not applied for citizenship and were not on the voter's list, receiving such cards and at least one of them voting. Strangely enough this person was allowed to vote at Local #11 by the same [redacted] who made allegations against Local #165.

Also by strange coincidence, one of the complainants who took issue with Local #165's allowing people to legally pick up their properly issued cards, was [redacted], who was busily contravening MNS legislation in this regard by illegally issuing cards himself. How many such illegal cards were issued and how many ineligible people voted as a result is not quantifiable without access to the poll book for this poll, and even then it may not be possible to determine exactly. However, his actions have certainly tainted the results of this poll.

Western Region III

Riel Métis Council of Regina (RMCR) Local #110

Complaints have centered in the main on the voter's list, conflict of interest of electoral officials, and discrepancies between the unofficial (i.e., election night) and official count totals.

RMCR Local #110 allege that they had great difficulty in getting their new memberships co-signed by the area director and in getting their revised voter's list accepted by the CEO. I could find nothing in the MNS Citizenship Act or any other MNS legislation that requires the Regional Director to be part of the citizenship registration process. Since the problem is not peculiar to Regina, perhaps the necessity for the co-signature should be reconsidered. The voter's list, in its final form accepted only after considerable effort by the RMCR, was not fully satisfactory as it is alleged that many new members were not added and some old members were omitted.

Many complaints from across the province deal with conflict of interest of electoral officials. It is alleged that in many cases, election officials were wives, relatives, or friends of candidates. While such relationships may give the appearance of a conflict of interest, they are not spoken of as such in the MNS Election Act. The MNS Election Act deals with the subject in Article 13 - Conflict of Interest, but it is a tightly written section that deals exclusively with the matter only as it applies to the Election Commissioners and the Chief Electoral Officer. Article 13 states:

"13. In this Act:
13.1 The Commissioner and the Chief Electoral Officer shall not be in a Conflict of Interest respecting their duties:
13.2 Conflict of Interest will exist when:
13.2.1 An immediate family member is a candidate or employee or official in the election. An immediate family member is defined as father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including a common law spouse), ward, father-in-law, mother-in-law or relative permanently residing with an election official.
13.2.2 Any close personal or business associate is a candidate or employee or official in the election.
13.3 In such a case where a commissioner or Chief Electoral Officer are in Conflict of Interest, he/she will be required to:

13.3.1 Reveal his/her interest in or in connection to the candidate, employee or official; and

13.3.2 Shall tender his/her written resignation from the Commission or as Chief Electoral Officer as the case may be."

The subject of Conflict of Interest is also mentioned under MNS - Election Act Article 5 - Chief Electoral Officer which states:

"5. The Chief Electoral Officer shall:

5.5 Recommend to the Métis Elections Commission for appointment all election officers and other required personnel. The Chief Electoral Officer must only recommend election officers that meet the requirements of Eligibility, Code of Conduct and Conflict of Interest provisions pursuant to this Act ...".

Section 5.5 it would seem, allows the CEO to check out the election officers to make sure that the CEO and Election Commissioners will not fall foul of Article 13 above by appointing an election official who might put them (the CEO and/or Commissioner) in a Conflict of Interest situation.

The Conflict of Interest sections of the MNS Election Act therefore are restricted to the relationships of the CEO and Election Commissioners and apply to no one else. Thus there can be no charges of electoral officials being in a Conflict of Interest save with the CEO and Election Commissioner.

As to the complaint about the discrepancy between the unofficial count on election night and the official count it is alleged that on the unofficial count on election night, when all the boxes had been counted for WRIII, the results for the regional director's race were different to those recorded at the final count as follows:

	Albert Delaire	Karen Laroque	Marvin Zellner
Election Night	219	183	91
Official Count	319	182	92
Difference	+100	-1	+1

An addition of the tally sheets at the official count show the figures for the official count to be correct and one must assume that the election night figure for Delaire of

219 is a misprint rather than anything more sinister.

However, the figures for the presidential race as registered at RMCR Local #110 do show a serious error as follows:

	Robert Doucette	Alex Maurice	Dwayne Roth
Election Night	162	76	143
Official Count	125	76	138
	-37	0	-5
Official Count Tally Sheet (my addition)	164	76	145
Official Count Figure	125	76	138
	-39	0	-7

The figures for both Doucette and Roth are added wrongly and should read Doucette 164, Maurice 76, Roth 145. This wrong addition at the Official Count deprives Doucette of 39 votes and Roth of 7. Since Roth took the presidential race by only 26 votes and Doucette picks up a difference of 32 votes over Roth here, then Doucette should have been declared the winner had the votes been tallied accurately.

Swift Current Local #35
Regina Beach Local #29
Maple Creek Local #12/14

Swift Current Local #35, in a fax and a registered letter sent their membership list containing 95 names and addresses in to MNS Head Office on January 12, 2004. In the letter, they state, "... We realize that a provincial election will be coming up and we require all information. We do not wish to be excluded from this process. Due to the unavailability of our Area Director and his failure to communicate any information to our executive ...". After several attempts to contact the CEO they finally succeeded and were told that a ballot box would be sent to Swift Current. On election day, when no ballot box arrived, they contacted the CEO again who then told them that Swift Current Local should go and vote in Maple Creek. As Swift Current is an hour and a half away by road, the result was that Swift Current Local #35 was disenfranchised.

Had any Swift Current members made the journey to Maple Creek they would probably not have been able to find the polling place anyway since it was poorly advertised and held in a private home. One local Maple Creek voter alleges that she spent all day trying to find the polling place, and when she did locate it she was barred from entering the house.

The Regina Beach Local #29 members were told to go and vote in Regina, a good half hour away.

It would appear that the problems in this area stem in the main from an ongoing conflict between the Regional Director and some of the Locals. As a result he has apparently dissolved Maple Creek Local #12 and admitted a new Maple Creek Local #14, and has interfered with the president's standings in Regina Beach and Swift Current. RMCR Local #110 has also apparently fallen foul of him. The region is therefore in something of a stew with the result that many Métis citizens were denied the right to vote.

Eastern Region IIA

Yorkton Local #13

There were many complaints from Myles Pelletier, a candidate for Regional Director, and those that scrutineered for him about conflict of interest and about alleged irregularities at the poll. There is not space here to deal with all of them so I will deal with the main ones.

Myles Pelletier believes that a conflict of interest existed between Mr. Gilbert Pelletier, Senator, and head of the Métis Election Commission, and himself as candidate, because they are first cousins. Article 13, Conflict of Interest, of the MNS Elections Act at Section 13.2 states that a conflict of interest will exist for a commissioner when an immediate family member is a candidate. It goes on to list immediate family but makes no mention of first cousins. I therefore see no conflict of interest here. As to the allegation that Senator Pelletier encouraged another candidate to run against Myles Pelletier, this is a matter not covered under the Election Act and is, if true, more a matter of propriety than regulation.

The complaints about irregularities at the poll are directed in the main against the DRO. He is alleged to have opened the ballot box ahead of time, which he readily admits, since he wanted to check that everything needed for election day was there. The only thing he photocopied was a sheet from the CEO headed "Important Notice", "Attention Deputy Returning Officers, Poll Clerks, Scrutineers and Candidates", a copy of which he gave to the appropriate persons. Although the ballot box should not have been opened prior to the opening of the poll on election day, it was done in good faith, in a very secure facility, and I cannot see that it could have affected the election result in any way.

Another complaint alleges that the ballots were not counted when the poll opened and consequently the number of ballots contained in the ballot box was unknown. There is no requirement either under the MNS Election Act or Regulations, or in the CEO's directive, that such a count be made. (If the ballots had been sequentially numbered the number of ballots could easily have been seen.)

The scrutineers admitted that they made a typing mistake in saying that the DRO moved the ballot box into a polling booth during the day. He did not.

Another complaint is that some voters were given Western Region III ballots instead of Eastern Region IIA. The DRO explained that one book of ballots had a mix of the two regions and five people voted on those ballots. Four of these ballots were deposited in the ballot box before the mistake was noted, the voters were re-issued the proper ballot and the four WRIII ballots were pulled at the count at the end of the day and put into a separate envelope. One other person who voted on a WRIII ballot insisted that in order to preserve the secrecy of his ballot, the DRO destroy it before his eyes which the DRO did, and not having anywhere to dispose of it stuck the shreds in his pocket for later destruction. Again, this latter action is not strict protocol but under the circumstances understandable and excusable.

The scrutineers complained that the voters they contested were allowed to vote and their ballots placed in the ballot box rather than in a separate envelope. The proper response to such challenges is to make a note in the poll book (which was done) but since in all other respects the voters met the requirements, their ballots were treated correctly. If a challenged voter's ballot had to be put in an envelope and not in the ballot box, if only one voter was so challenged, or all voters so challenged voted the same way, it would readily be apparent which way they had voted and so the secrecy of their ballots would be compromised.

The discrepancy between the 206 votes cast and the 201 votes at the count at close of poll is explained by the five wrong region ballots noted above.

It is readily admitted by the DRO that voters did not sign the poll book because he felt there was not room and if only signatures were entered, names may not be legible. The poll clerk therefore entered the voters' names and the voters were asked to sign the voter's list next to their name. Since having voters sign the electoral list against their name, rather than signing the poll book, still achieves the purpose served by the actual signing of the poll book, and the electoral list containing the signatures was sealed in the ballot box at the end of the day along with the poll book, although highly irregular, I see no real problem here, and certainly not one that would affect the results of the poll.

Thus although irregularities did occur, I do not find them of sufficient import to have affected the poll results in any way. I feel that the poll was run in a sensible and responsible manner and see no reason for its results to be questioned.

Northern Region II

La Loche Local #39

Complaints against the results of this poll include questions as to a candidate's eligibility to run for office; appointment of election officials; the revised voter's list; the opening of the ballot box prior to election day; and the use of a video camera in the polling place.

The complaint regarding the candidate's eligibility is two-fold: first on the grounds of residency under MNS Elections Act Section 9.1.4, and second on the grounds of proving a clean criminal record under MNS Elections Act sections 9.1.3 and 9.1.5.

As regards residency, the MNS Election Act Section 9.1.4 states:

> "... If seeking to be a candidate for Regional Representative, is ordinarily resident in the region for which he/she seeks nomination ...". (my underlining)

The phrase "ordinarily resident" has been defined many times over the years to settle disputes in provincial and federal elections. This candidate lives in La Loche, commutes to Saskatoon during the week in order to work, but returns home to La Loche on weekends, has his mailing address there, voted in the provincial election there, etc. I feel it is clear that he considers La Loche his home and that any court would so decide.

The complaint regarding MNS Election Act section 9.1.3 and 9.1.5 (which could possibly be challenged under human rights legislation) which require that a candidate has been neither convicted of nor charged with an indictable offence in the last five years could easily be resolved by a CIPC record check, something which probably all candidates should undergo if these sections are to be kept in the MN-S Election Act.

As far as I can ascertain, the DRO and poll clerk names were submitted to and accepted by the CEO, by the President of the Local in the accepted manner and I see no grounds for complaint here.

The opening of the ballot box, the revised voter's list arriving on election day, and the video taping incidents all follow one from another.

The ballot box was dropped off in La Loche by the CEO's messenger a few days before the election, but at the wrong house. When the Local President heard of this he went to pick up the ballot box and found a party in progress at the house. He therefore decided to open the ballot box to make sure the contents were unharmed. When he did this he found that the voter's list therein did not include the names of students who had come of voting age in the years since the 2001 election which had been submitted as revisions to the original list. He phoned the CEO about the absent list and was told by him to reseal the ballot box immediately which he did, and that the revised list would be sent forthwith. He phoned the CEO daily until election day asking for and being promised this list of revisions. The revised list (signed by the CEO) that included the students was finally faxed on election day arriving in the afternoon. It was copied and copies given to election officials and scrutineers as well as being posted on the wall. Students who came to vote after school were therefore enabled to do so. The matter of the late arrival of the revised list will be dealt with later in this report.

Because he had opened the box without authority and prematurely, the President decided to video the opening of the ballot box on election day to show that everything was as it should be, should his actions be later questioned. He also video-taped the count in the evening with the agreement of all and apparently the scrutineers can be heard on the tape agreeing with the count. There were apparently no complaints about the taping.

The charge that one candidate was '"continually present" inside and outside the polling station "campaigning and influencing voting"' is denied by the candidate who says he went into the polling place once to vote, and the rest of the day was working in the Rec Hall next door.

As to whether or not the Local President was authorized to be present in the polling place when it first opened, at lunch, and after work, but virtue of being appointed scrutineer for a presidential candidate, it is true that he did not have written authorization. However, the campaign manager for a presidential candidate appointed him verbally, told the election officials of this appointment, and they agreed to let him act in that capacity on that basis.

I feel that this poll was well run apart from the irregularities noted, and feel that these irregularities would not have influenced how people voted in any way, and are in themselves insufficient to taint this poll.

The point the complainant makes about the illegality of the ballot box that travelled between the communities of Bear Creek, Black Point, and Garson Lake was dealt with by the CEO declaring it a "travelling ballot" box and not counting it for that reason.

The Third Criterion

Election Dispute Resolution

The MNS Constitution Act Article 8 - Elections, lays out the duties and responsibilities of the Commission which is to oversee and conduct Métis Nation Saskatchewan elections as follows:

> "8.7.1 A Métis Election Commission composed of 3 Senators is empowered to oversee and conduct the general elections and by-elections of the Organization.
>
> 7.4 ... the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the Métis Nation Legislative Assembly.
>
> 7.6 The Commission shall be responsible for official recounts and appeals.
>
> 7.7 The decisions of the Commission shall be final and binding, subject to the right of appeal to the Métis Nation Legislative Assembly, which decision shall be final and binding."

The Métis Election Commission therefore oversees the election and handles any appeals that result from it. There is an old saying that "Justice must not only be done, it must be seen to be done." By handling both the election process and the appeals that may arise from it the perception can arise that the Election Commission is judge, jury and hangman. Perhaps it would be wiser to have an appeals body unconnected to the Election Commission, that holds open hearings into any disputes.

The First Criterion

The first criterion is that there be a set of rules and regulations that clearly outline the electoral process, and that are fair and enforceable. The two main pieces of Métis legislation that cover the election procedures are the MNS Election Act (Appendix A) and the MNS Election Regulations (Appendix B). These two pieces of legislation, while well intentioned, are poorly drafted. They are often in conflict with each other, for example as regards the purpose of one of the most important election documents—the poll book. Under the MNS Election Act at Section 2.16, poll book is defined as:

> 2.16 "Poll Book" shall mean the list of names of citizens who have received ballots at an election pursuant to this Act."

The purpose of the same Poll Book is stated in the MNS Election Regulations at Section 29.1 as:

> "29.1 The Poll book shall contain the names of all electors listed on the Electoral List and the signatures of all electors next to their name on the Electoral List."

There are other examples, some of which have been noted elsewhere in this report.

Both these pieces of Legislation need careful redrafting. For example in the MNS Election Regulations Sections 19, 20, and 21 should more sensibly be included with Section 30 - Counts; Section 22 should be situated between Section 31 and 32 and so on. This kind of redrafting needs to be done if the regulations are to act as a guide to DRO's since the DRO's need careful, logically arranged steps to follow when conducting a poll.

Both pieces of Legislation need to be more specific in their directions. For example the MNS Election Act at Section 5.8 requires the Chief Electoral Officer to:

> "5.8 Prepare, print and distribute forms for use pursuant to this Act."

MNS Election Regulations at Section 17.2 states:

> "17.2 The ballot papers shall be in the form prescribed by the Chief Electoral Officer.

As a result, the ballots were printed with the executive and regional director both on the one ballot. Someone from another region, not entitled to vote for the Regional Director in the region where they sought to vote, therefore had the opportunity to do so. If the ballot was a form under the regulations, this kind of error could be prevented. All forms such as poll books, poll statements, oaths, authorizations, envelopes, seals, etc., should be forms contained in the regulations so that a CEO, perhaps unfamiliar with the intimate machinery of elections can run one without having to reinvent the wheel each time. Had these forms been included in the MNS Election Regulations then perhaps ballots would have been properly sealed in envelopes and ballot boxes properly sealed for transport, etc. If future elections are to run based on this model, then it is essential that the legislation be tightly drafted so that everything from the creation of voter's lists to the final count is carefully and logically detailed.

An Alternative Electoral Process

Short of turning to a third party to oversee Métis elections as is apparently done in Alberta, a suggestion made by many Métis people frustrated by the present process, is there an alternative election model that could be developed to avoid the kind of problems elucidated in this report and yet still be run by the Métis Nation of Saskatchewan itself?

Marilyn Poitras, in her perceptive Electoral Reform Study commissioned after the 2001 election made many excellent suggestions to reform the system, few of which were adopted. Two of her key suggestions were the development of a central registry and the creation of a permanent Chief Electoral Officer. If I may quote from some of the recommendations made in her report:

> "5. Create a central registry which cannot be subject to change by presidents, regional directors or anyone else for political reasons. This system should ... be designed to be updated for change of address, marriage, birth or death at one central location.
> 6. Remove the Central Registry from the political process by leaving control of it with a neutral body.
> 8. Issue MNS membership cards with photos, name, date of birth and an identifying number (Saskatchewan Health Number or Social Insurance Number) to avoid problems with people having the same names or moving. This would assist in portability of membership.
> 11. Establish an elections office which has the time and the resources to run a competent election. Key to this is to keep it at arm's length from the MNS."

One of her final recommendations is the creation of a permanent Chief Electoral Officer.

My suggestion would be to combine these two offices, the central registry and the electoral office into one office with one officer selected to be both Registrar and CEO. A politically neutral Métis lawyer could be sought by an independent head-hunting firm and established in an office facility independent of the MNS.

I suggest that the Registrar/CEO be a lawyer since as an officer of the court they would be more likely to be accepted in dealing with government agencies such as

Saskatchewan Health, and their knowledge of law would stand them in better stead when dealing with legislation impacting on the registry and elections.

The Elections Saskatchewan building would be an ideal location for this combined office since it has spare office and storage space and is separate and secure. This location might help to re-inspire confidence in the electoral process, but if this location is not acceptable, then an independent law office would suffice. It would be the Registrar's duty to establish a reliable registry, and keep it up to date by whatever means is feasible - a mutually beneficial relationship could be developed with Saskatchewan Health, Elections Canada, Elections Saskatchewan and other agencies desirous of maintaining current addresses on people. Métis people could then apply for membership either through their Local or direct to the Registrar and receive their membership directly from the Registrar. This would obviate some of the bottlenecks in the current system. Since Métis elections are now set at a permanent time every four years, it would be incumbent on Métis members to make sure that the registry have their permanent address in the weeks prior to the election which can now be well advertised in Local and Regional offices and in the press.

A specified number of days before election day the Registrar/CEO would mail out ballots to all those listed on the registry. The mail out would contain: a stamped return mail envelope; a declaration envelope on which the Métis citizen's signature, card number and other pertinent information necessary to identify them to the Registrar/CEO must be completed; a ballot for executive positions; a separate ballot for the regional director; a plain envelope in which to seal the executive ballot; and a plain envelope in which to seal the Regional Director ballot. The voter would complete the declaration envelope, mark the ballots and seal them in the designated ballot envelopes, seal the ballot envelopes in the completed declaration envelope, and seal the declaration envelope in the stamped pre-addressed envelope and mail it back to the Registrar/CEO. As the return envelopes arrive at the Elections Office, the Registrar/CEO would open them, check the declaration envelope so as to be satisfied that the voter is bona fide, and if so satisfied, open the declaration envelope and place the sealed ballot envelopes in appropriate ballot boxes. If the Registrar/CEO is not satisfied that the declaration envelope is bona fide, it would be set aside unopened for future consideration if necessary. All ballots must be received by the Registrar/CEO by a specified date at which time the Registrar/CEO, in the presence of candidates and scrutineers and possibly in conjunction with the Provincial Chief Electoral Officer, would open the ballot boxes, remove the ballots from their envelopes and proceed with the count. If there are clear winners at the end of that process then the results can be announced. If the margin of victory in any given race is less than the number of declaration envelopes set aside, then at

that point a final determination of whether or not each of those envelope's ballots should be considered would be made. When this has been done, the results can be announced.

There are several advantages to the use of such a mail-in system. First it demands that the Métis Registry be kept current, second there is no need to train election personnel, third it prevents political interference with voters' lists, fourth, it should obviate the need for an appeals procedure, and fifth, it is cost-effective. On this last point, it costs Elections Canada in the region of $100 million to run an election, and Elections Saskatchewan several million. A Métis election run on a similar model as is the case now cannot be done successfully on the limited moneys available. To fund such an election adequately would be a once every four year expense, whereas if the same amount of money were laid out over a four-year period it would fund not only the election but also the Métis Registry. One further advantage of a mail out system is that each candidate could provide a photo, brief biography and platform, that could be included in the mail out package, so that voters have a better idea for whom they are casting their ballots, as one of the complaints I heard was that the candidates were not known to many voters.

Finally, such a system outlined above would be completely different to the current election model in which so many Métis citizens have lost faith. A complete change of system might be one way to restore that faith.

Registry of Locals

The Registrar/CEO could also be in charge of a Registry of Locals whereby Locals would file their constitutions with that office. Strict criteria for admission and dissolution of Locals could be developed, administered by the Registrar/CEO and thus keep Locals safe from the politics of Regional Councils. By submitting their annual membership reports to the Registry of Locals rather than to MNS Head Office, the Registrar would have a further means of keeping abreast of changes to Local membership lists and thus keeping the Citizens Registry up to date. If so requested by a Local, the Registrar/CEO could also give advice/assistance with a Local's elections.

General Comments on the Running of the Election

The Unofficial Count

The CEO did not provide adequate direction to election officials as to how to conduct the count on election night. Had he included MNS Election Regulations Sections 30 and 31 (see Appendix B), and the necessary envelopes and seals to the DRO's, they would have been able to count and secure the ballots and ballot boxes in a much more tamper-proof way. Since he did not include these sections, and his directions lacked detail, rumors abound that some ballot boxes were "stuffed" at this election. Since if this occurred, it would have been done secretly, it is not possible to prove either way. It is however useful to determine whether this could have been accomplished easily and if so, what precautions could be employed to prevent such a possibility at future elections.

1. Ballots

It would appear that some 47,000 ballots were printed, (a figure not disputed by the CEO when mentioned to him), that they were not sequentially numbered, and that they were ostensibly arranged in books of 100 but according to the CEO, there were rarely exactly 100 in each book (which seems very odd given the precision of today's printing machines).

Further, the ballots were printed with the name of a candidate for the Treasurer's position who had previously withdrawn from the race. In order to avoid incurring additional printing costs, the name of that candidate was blacked out manually. According to the sworn testimony of one witness, one candidate told her that he assisted in this process. If this is the case, it is most irregular, as was the whole procedure.

During this blacking out process, because the ballots were not sequentially numbered, one or two could have been removed from each book of 100 (which may account for why there were never exactly 100 in each book), or a few books of ballots could have been spirited away by one of those helping. I am not suggesting that this was actually done, but rather pointing out that these lax procedures allow for the possibility.

2. Poll Book

In the directions given to DRO's by the CEO, there is no mention of ruling a line across the page on which the last voter's signature appears, and "X"-ing out the remainder of the page so that no additional names can be entered thereafter. Again, I am not suggesting that names were entered into poll books after polls were closed but rather that failure to "X" out the rest of the page allows for the possibility. (Even following the procedure outlined in MNS Election Regulations Section 30.1 would have accomplished this but the CEO failed to include mention of this section in his directions.)

3. Seals and Envelopes

The CEO directions to DRO's as to the handling of ballots at the close of poll are somewhat confusing. They state:

> "Record the sequenced ballots as the poll closes and the unused ballots and secure them. Record the sequenced ballots and enter it in the envelope and seals. The numbers will be contained there. The envelope is to be sealed and placed in the ballot box after the initial count and is to be sent to Prince Albert inside the ballot box.
>
> At the close of the polls the Deputy Returning Officer is to make the initial count ... And at the end of the initial count is to put everything back into the box including the unused ballot paper sealed with the sequenced seals and recording it in the poll box with all other seals to be recorded ..."

When the ballot boxes were opened at the final count according to the CEO, only spoiled ballots were in an envelope. All other ballots were loose and not in envelopes, although they sometimes had elastic bands around them. Unused ballots were not counted at the final count so no reliable tally of ballots returned against ballots issued was possible. If the CEO's directions had followed MNS Election Regulations Section 31, these and the following problems may not have arisen.

The only seals used, as far as I can ascertain, were metal seals used to seal the ballot box. These can easily be cut, the ballot box opened and resealed with a spare seal from inside the ballot box (there were spares in the boxes because the metal seals do not always work). The contents of the ballot box would then be in plain view since ballots were not in envelopes let alone the envelopes being sealed with a self-adhesive paper seal. Such seals, if they had been used, should have been

signed by the DRO, poll clerk and any scrutineers present to make opening an envelope clearly noticeable. Likewise, no paper self-adhesive seals were placed over the edges of the ballot box and similarly signed by those present so as to render a ballot box virtually tamper proof.

Because of the laxity described above, it would have been fairly easy for an unscrupulous person(s) to "stuff" a ballot box should they have had that aim in mind.

4. Simple Ways in which a Ballot Box could have been "Stuffed"

Leaving aside the possibility of collusion with DRO's, there would be two possible methods of ballot box "stuffing" depending on the number of voters who voted in a given poll:

a) In a poll where few people voted:

   i) Cut the metal seal and open the ballot box;
   ii) Write additional names of voters from the voters' list into the poll book as having voted (poll book and voters' list are in the ballot box);
   iii) Take the unused ballots and mark them for the candidates of choice, ensuring that the number of ballots match the number of voters entered in the poll book;
   iv) Make sure to doctor any record of ballots or results contained in the ballot box to match the new totals;
   v) Put all materials back into the ballot box and reseal it with a spare metal seal from the ballot box;
   vi) Phone or fax the poll "results" to the CEO.

b) In a poll where larger numbers of people voted:

   i) Have the appropriate number of unused ballots on one's person;
   ii) Cut the metal seal and open the ballot box;
   iii) Remove some or all of those ballots cast for other candidates and replace them with a similar number of ballots marked for the candidates of choice;
   iv) Doctor any record of ballots or results contained in the ballot box to match the new totals;
   v) Reseal the ballot box with a spare metal seal from inside the ballot box;
   vi) Phone or fax the poll "results" to the CEO.

5. Simple Ways to Prevent Ballot Box "Stuffing"

There are simple preventative measures that would render any attempt at ballot box "stuffing" extremely difficult to accomplish successfully.

A. Ballots

i) Ballots should be in standard books of 100, stapled, and with a perforation so that when a ballot is removed a stub is left behind.

ii) Ballots should be sequentially numbered from 00001 to 47000 (or however many are to be printed) and the stub should bear the same number as the ballot.

iii) The CEO should keep a record of the ballot numbers put in each ballot box to be sent to a DRO. e.g. two books 00001 - 00100 and 00101 - 00200.

iv) At the close of the poll, before the initial count, the DRO should record on a Ballot Paper Account and Poll Statement sheet the number of ballot papers (and their sequential numbers) received from the CEO, the number of voters appearing in the poll book as having voted, the number (and sequential numbers) of unused ballot papers, the number of ballot papers spoiled or declined, and the number of ballot papers unaccounted for (if any). These should total to the same number of ballots issued by the CEO to the DRO.

v) Also on this poll statement, the number of votes counted for each candidate should be recorded. The total of votes cast for each candidate and the number of unused, spoiled and rejected ballots should again come to the same total as the number of ballots issued for that poll by the CEO. The poll statement, after the voting results have been relayed to the CEO, should then be put in its own special envelope.

The ballots should be put in their own separate envelopes provided by the CEO for the purpose as follows:

(a) Unused ballots and stubs of used ballots sealed in one envelope.
(b) Spoiled and rejected ballots sealed in another.
(c) Votes cast for each candidate sealed in separate envelopes, one for each candidate.

(d) The three classes of ballots above (a), (b) and (c) should then be sealed in one large envelope.

B. The Poll Book

After the last voter has voted at close of poll a line should be drawn across the page immediately under the last named voter, and the balance of the page "X"'d out. The DRO, poll clerk and scrutineers present should then sign along the "X" to prevent any further names being added thereafter.

C. Seals and Envelopes

i) Self-adhesive paper seals should be used to seal all envelopes and the DRO, poll clerk and any scrutineers present should sign across the seal to prevent its being tampered with.

ii) The sealed and signed envelopes, poll book and voters' list should then be placed in the ballot box and the metal seal number that is to be used to seal the ballot box should be recorded on the poll statement. The box should then be sealed with that metal seal. Self-adhesive paper seals should be used to cover the slot in the lid of the box to prevent anything else from being deposited in the box, and placed over the lip of the ballot box and signed across the lip by the DRO, poll clerk and scrutineers. Thus if an unauthorized person cut the metal seal to open the box, the paper seal would have to be broken to gain access and since this seal is not replaceable because of the signatures, such tampering would become self-evident.

The Official Count

The MNS Election Act Article 5 states:

"5. The Chief Electoral Officer shall:
5.12 Reconcile all ballots for both unofficial and official counts, ..."

The MNS Election Regulations section 32 states:

"32.1 The Chief Electoral Officer, within no longer than fourteen (14) days of the Election Day, will proceed with the official count."

The official count is simply an addition of the poll statements in each of the ballot boxes, and an opportunity for candidates and their scrutineers to look at declarations and poll books to determine whether there were any voters who voted who may not have been eligible. If it is found that there are more ineligible voters voting than the margin of votes by which a candidate won, then there are grounds to appeal the election result.

The only time that a recount of ballots is permitted is detailed in MNS Election Regulations Section 34 - Appeals.

> "34.3 Where it appears that two or more candidates have an equal number of votes, and the Chief Electoral Officer cannot declare a candidate to be elected, the Chief Electoral Officer shall immediately conduct a recount of the ballots as hereinafter provided.
>
> 34.4 If it is made to appear by the statement of a candidate filed with the Chief Electoral Officer at any time within fourteen (14) days from the date of the election that any ballot papers may have been improperly counted or rejected on application made to him/her for the purpose, the Chief Electoral Officer shall appoint a time and place where he/she will proceed to recount the ballots and he/she shall give notice thereof in writing to the Métis Elections Commission, the election officers and the candidates."

The section goes on to describe what the CEO is to do if there is a clear winner, or if two or more candidates still have an equal number of votes.

There is a big difference then, between an official count and a recount. I am not aware of any request being made by a candidate to the CEO under MNS Election Regulations. Section 34.4 above, and no two candidates had an equal number of votes under section 34.3 above.

One can only conclude that the Chief Electoral Officer erred in not providing adequate direction to DRO's regarding the procedure to be followed at the unofficial count on election night, and erred again in holding a recount rather than the official count called for under MNS Election Regulations Section 32.1 noted above. This latter error resulted in concentrating everyone's attention on the ballots, and minimizing time allowed for perusal of poll books especially since the CEO is said to have promised that the poll books would be available for review at the MEC Appeals.

Voter's Lists

The Chief Electoral Officer, in an affidavit sworn before a Commissioner for Oaths in Saskatoon on July 13, 2004 states:

> "I had to compile the electoral lists. Presidents of all the Locals of the Métis Nation of Saskatchewan were contacted to review and submit their electoral lists of voters. I could only use names submitted by these presidents, and I could not use any names submitted by any other individual once the presidents had provided me with their input ..."

If this is the case, how does the CEO explain Frenchman Butte Local #92 where 102 names were added to the voter's list none of which were submitted by the President, or Wilkie Local #132 which did not have a president (being listed as inactive) and yet 209 names were submitted by someone other than a president. How does the CEO explain Prince Albert Local #7's voter's list being arbitrarily cut from 52 pages to 42, or La Loche and RMCR Region and others who had to fight to get their lists accepted only to find them arbitrarily altered. Tampering with voter's lists in an exclusive election is barely removed from tampering with ballot boxes and it is the CEO's responsibility to ensure that the voter's lists are sound.

Admittedly, the CEO is somewhat at the mercy of the lists given to him since he cannot be privy to every Local in the province. It would seem that the role of the Registrar and the Registry Office is limited by MNS Election Act Article 8 - Electoral List as follows:

> "8. The Electoral List shall:
> 8.2 Be compiled by the Chief Electoral Officer from the most recent Local Citizenship Lists on file at the Métis Nation - Saskatchewan Office."

It would perhaps be wise to involve the Registrar and Registry to a far greater degree in the preparation of initial voter's lists to be sent out to Local Presidents, and in the checking of any revisions that may have been added to the revised lists when they are returned by Local Presidents.

Locals

Article 7 of the MNS Constitution deals with Locals and states:

"7.1 The Locals shall be the basic unit of the Organization in each community."

The Local and its fundamental importance to the MNS has been explored earlier in this report. However, the MNS Constitution Act Article 7 goes on to state that:

"7.3 New Locals can be admitted by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are met.
7.4 Locals can be dissolved by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are no longer met.
7.5 The Métis Nation Legislative Assembly shall adopt rules pertaining to the admission and dissolutions of Locals."

There would appear to be at least two regions where Regional Directors are manipulating Locals. In Western Region IA, the Regional Director seems to have created "pocket" Locals like Hamlin, Wilkie, Marshall, Maymont and Denholm which give him a majority of votes on the Regional Council, and since Locals are not weighted in terms of how their votes (based on their membership numbers) count at MNLA meetings, a hefty voting block to boot. In Western Region III, the Regional Director seems to have gone the other way and dissolved or ejected from the Region Regina Beach Local #29, RMCR Local #110, Swift Current Local #35 and Maple Creek Local #12. This manipulation by Regional Directors impacts on elections by either inflating voter's lists with ineligible names and false addresses as seems to have occurred in Western Region IA, or depriving Métis citizens of the opportunity to vote as in Swift Current and Regina Beach in Western Region III.

Unless the MNLA adopts stronger guidelines on the admittance and/or dissolution of Locals, this situation will continue to have a deleterious effect on the running of elections.

There is also a problem of disputes within Locals that can impact on how smoothly elections are run, for example the Meadow Lake situation and the problems in Maple Creek and Makwa/Loon Lake. The MNS Constitution Act Article 12.4 states:

"12.4 That the Senate be given the power to resolve disputes occurring in the Regions and Locals. Further, that decisions of the Senate shall be final and binding."

Internecine struggles at the Local level cannot create conditions conducive to the running of smooth elections and such matters should be resolved at an early date to prevent a carryover to the next election.

Conclusion

I was asked to give my opinion as to whether the Métis Nation of Saskatchewan Election of May 26, 2004 was conducted in a fair and democratic manner such that the results could be trusted by both the Métis people themselves and by the Government of Saskatchewan.

I began this report by saying that there are three criteria necessary to a fair and democratic election, the first criterion being a set of rules which clearly outline the election process and that are fair and enforceable. The MNS Election legislation is poorly drafted, often contradictory, sometimes confusing, but in the main, if followed sensibly, adequate to the purpose.

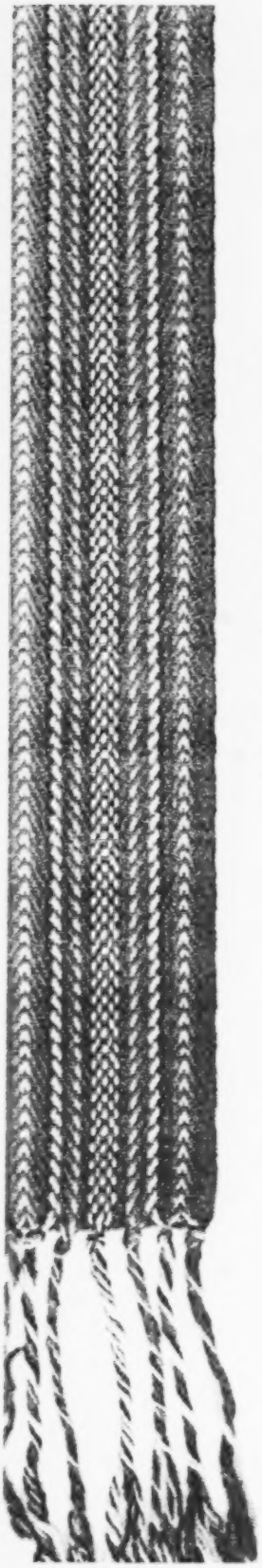
The second criterion was that the rules and regulations outlining the electoral process are in fact followed and are clearly seen by the electorate as having been followed. In the foregoing pages it has been shown that electoral lists were improperly prepared, notices of date, time and place of poll were inadequately posted, ballot boxes were misdirected, many voters were disenfranchised, the control of ballots was lax, the directions to DRO's were inadequate, election officials received no training, the ballots cast were not counted accurately, one presidential candidate was allowed to appeal and overturn the official election results without going through the appeals process and so the list goes on. The rules then were often flagrantly flouted at times by accident, sometimes by design and were seen to be flouted by many of the Métis electorate.

The third criterion was that there be provision for the settlement of any disputes that might materially affect the outcome of the election, by an independent tribunal. Under MNS Legislation, the Election Commission also handles appeals and in my conversations with appellants who had appealed to that body, it was not my impression that they were satisfied that they had had a fair hearing. Denying access to ballot boxes and poll books was the key element in this dissatisfaction.

In order to challenge the results of an election in a Court of Law, one must show that the number of any ineligible voters who voted exceeds the margin of victory. Access to the ballot boxes and the poll books, etc., therein, is a sine qua non for such a determination.

However, without access to the ballot boxes, I think I can safely say that if that access were granted, the answer to the question posed as to whether or not the Métis people and the Government of Saskatchewan can trust those election results, is, in short, no.

Appendix A



Métis Nation - Saskatchewan
Election Act

Ratified November 6, 1999
Amended November 2001
Amended December 2002
Amended July 4, 2003

ARTICLE ONE - TITLE
ARTICLE TWO - INTERPRETATION
ARTICLE THREE - MÉTIS NATION LEGISLATIVE ASSEMBLY
ARTICLE FOUR - MÉTIS ELECTIONS COMMISSION
ARTICLE FIVE - CHIEF ELECTORAL OFFICER
ARTICLE SIX - ELIGIBILITY
ARTICLE SEVEN - ELECTORS
ARTICLE EIGHT - ELECTORAL LIST
ARTICLE NINE - NOMINATION OF CANDIDATES
ARTICLE TEN - SCRUTINEERS
ARTICLE ELEVEN - SECRECY OF VOTING
ARTICLE TWELVE - CODE OF CONDUCT
ARTICLE THIRTEEN - CONFLICT OF INTEREST
ARTICLE FOURTEEN - FINANCES
ARTICLE FIFTEEN - ASSUMPTION OF OFFICE
ARTICLE SIXTEEN - VACANCY OF OFFICE
ARTICLE SEVENTEEN - ENACTMENT

ARTICLE ONE - TITLE

1. This Act may be cited as "The Métis Nation - Saskatchewan Election Act, 1999."

ARTICLE TWO - INTERPRETATION

2. In this Act:

2.1. "Act" shall mean the Métis Nation - Saskatchewan Election Act.

2.2. "Appeals" shall mean any Appeal of an election by an elector for an act seen to have breached this Election Act, including breach of the Code of Conduct, Conflict of Interest, Eligibility, and breach of Election Regulations.

2.3. "By-election" shall mean an election called to fill a vacancy within the Provincial Métis Council.

2.4. "Candidate" shall mean any individual who is nominated as a Candidate for the election.

2.5. "Chief Electoral Officer" shall mean the individual appointed by the Métis Elections Commission to carry out the duties set out in this Act.

2.6. "Commissioner" shall mean any Senator who is appointed by the Métis Nation Legislative Assembly to the Métis Elections Commission.

2.7. "Election" shall mean an election called by the Métis Nation Legislative Assembly to elect Executive Members or Regional Representatives.

2.8. "Election Officers" shall mean any individual appointed by the Métis Elections Commission to carry out the duties under this Act under the supervision of the Chief Electoral Officer.

2.9. "Elector" shall mean any citizen of the Métis Nation - Saskatchewan who is eligible to cast a ballot pursuant to the eligibility requirements of this Act.

2.10. "Electoral List" shall mean a list made pursuant to this Election Act naming those citizens entitled to cast a ballot at an election.

2.11. " Frivolous Court Action" shall mean any suit that is brought against the Métis Nation - Saskatchewan and dismissed by a Court of Law for having no basis in law or fact.

2.12. "Métis Elections Commission" shall mean the Métis Nation - Saskatchewan Métis Elections Commission.

2.13. "Métis Nation Legislative Assembly" shall mean the governing authority of the Métis Nation - Saskatchewan , as set out in the Constitution.

2.14. "Nominator" shall mean any citizen of the Métis Nation - Saskatchewan who under this Act is eligible to nominate a candidate for an election.

2.15. "Ordinarily Resident" shall mean the Region to which the elector is registered as a citizen and the Region of the citizen's fixed home address to which whenever he/she is absent he/she has the intention of returning.

2.16. "Poll Book" shall mean the list of names of citizens who have received ballots at an election pursuant to this Act.

2.17. "Polling Station" shall mean a place established in each Local where an elector casts his/her vote and which is set up pursuant to this Act.

2.18. "Region" shall mean regions as determined in the Métis Nation - Saskatchewan Constitution.

2.19. "Senate" shall mean the Métis Nation - Saskatchewan Senate.

2.20. "Scrutineer" shall mean an elector who is authorized in writing to represent a candidate at a polling station pursuant to this Act.

ARTICLE THREE - MÉTIS NATION LEGISLATIVE ASSEMBLY

3. In this Act:

3.1. The Métis Nation Legislative Assembly shall announce the date for the election by Proclamation, of the Executive and Regional Representatives, based upon the day specified in the Constitution.

3.1.1. The Métis Nation Legislative Assembly is responsible to proclaim the date for an election at least one hundred and twenty (120) days prior to election day to allow for the compilation of the electoral list.

3.1.2. The Provincial Métis Council is hereby granted the authority to set the date for any by-elections as provided in the Constitution, that is within ninety (90) days of a vacancy occurring.

3.2. The Métis Nation Legislative Assembly, based on recommendations of the Senate, shall appoint three Senators to sit on the Métis Elections Commission.

3.3. The Métis Nation Legislative Assembly shall also appoint one Senator as alternate, in the event of death, illness, resignation or Conflict of Interest pursuant to this Act, to the Métis Elections Commission.

3.4. The Métis Nation Legislative Assembly has the final decision on any Appeals under this Act.

3.5. The Métis Nation Legislative Assembly has the responsibility to determine remuneration of the Métis Elections Commission.

3.6. All granting of new Citizenship Cards to the Métis Nation - Saskatchewan shall be suspended from the date of the close of the Electoral List until the day after the general election is held.

3.7. The Provincial Métis Council is hereby granted the authority to develop election regulations, pursuant to this Act.

ARTICLE FOUR - MÉTIS ELECTIONS COMMISSION

4. In this Act:

4.1. The Métis Elections Commission shall be composed of three members of the Senate, appointed by the Métis Nation Legislative Assembly, based upon the recommendations of the Senate.

4.2. The Métis Elections Commission Commissioners shall meet the requirements of the Code of Conduct pursuant to this Act.

4.3. The Métis Elections Commission shall have sole authority and responsibility to conduct elections or by-elections pursuant to this Act and shall be independent and answerable only to the Métis Nation Legislative Assembly.

4.4. The Métis Elections Commission shall set the dates for Revision to the Electoral List.

4.5. The Métis Elections Commission shall appoint a Chief Electoral Officer.

4.6. The Métis Elections Commission shall appoint the Local Returning Officers and Poll Clerks required to conduct an election, based on the recommendation of the Chief Electoral Officer.

4.7. The Métis Elections Commission shall be responsible for all election Appeals, the decision of which is final and binding, subject only to appeal to the Métis Nation Legislative Assembly.

ARTICLE FIVE - CHIEF ELECTORAL OFFICER

5. The Chief Electoral Officer shall:

5.1. Meet the requirements of Eligibility, Code of Conduct and Conflict of Interest provisions pursuant to this Act.

5.2. Not have filed a Frivolous Court Action against the Métis Nation - Saskatchewan in the last three (3) years.

5.3. Not have been convicted of an indictable offence within five years (5) prior to the Election Proclamation.

5.4. Set, manage and conduct the election according to this Act.

5.5. Recommend to the Métis Elections Commission for appointment all election officers and other required personnel. The Chief Electoral Officer must only recommend election officers that meet the requirements of Eligibility, Code of Conduct and Conflict of

Interest provisions pursuant to this Act. Election officers can not have brought a Frivolous Court Action against the Métis Nation - Saskatchewan within the last three (3) years.

5.6. Guide and supervise election officers with respect to the conduct of the election.

5.7. Ensure that all election officers conduct their duties in compliance with this Act.

5.8. Prepare, print and distribute forms for use pursuant to this Act.

5.9. Publish the place and hours fixed for the nomination of Candidates and the date fixed for the closing of nominations.

5.10. Accept letters of withdrawal from candidates, nominations, letters of appointment for scrutineers and candidate's letters of leave of absence from Métis Nation - Saskatchewan and Métis Nation - Saskatchewan 's Affiliate organizations and the one-hundred dollar ($100.00) bonds submitted with nominations.

5.11. Compile and distribute to each polling station, a final Electoral List, pursuant to this Act, prior to the Election day.

5.12. Reconcile all ballots for both unofficial and official counts, and prepare an official election report for the Métis Elections Commission.

5.13. Publicly declare to be elected the candidate or candidates having the greatest number of votes.

ARTICLE SIX - ELIGIBILITY

6. In order to participate in an election, the participant shall:

6.1. Be a citizen of the Métis Nation - Saskatchewan .

6.2. Be at least sixteen (16) years of age on the day of the election.

6.3. Be a resident of Saskatchewan who has resided therein for at least six months prior to the date of the close of nominations.

6.4. In order to vote for a regional representative, have been a resident of Saskatchewan and ordinarily resident in the region for at least six months prior to the date of the close of nominations.

ARTICLE SEVEN - ELECTORS

7. In order to cast a ballot in an election, an elector shall:

7.1. Meet the requirements of Eligibility pursuant to this Act.

7.2. Prior to the close of the Electoral List, transfer his/her citizenship to the Local where he/she is ordinarily resident.

7.3. Be on the Electoral List on Election Day.

7.4. Vote at the polling stations closest to where they are registered and ordinarily resident, pursuant to Article 7.2 of this Act. Electors may request of the Chief Electoral Officer that they be placed on the list of another polling station and such determinations shall be at the discretion of the Chief Electoral Officer. Adequate identification will have to be supplied by the elector to the election official, if such a request is made and a Declaration Form will have to be completed and signed.

7.5. Meet the requirements of the Code of Conduct at the polling station in accordance with this Act.

7.6. Notwithstanding s.7.3, a member/citizen who has been missed from inclusion on the Electoral List upon the signing of a Declaration Form, accompanied by producing his/her Métis Nation – Saskatchewan membership/citizenship card shall be added to the Electoral List and allowed to vote. (Amended July 4, 2003)

ARTICLE EIGHT - ELECTORAL LIST

8. The Electoral List shall:

8.1. List all of the Electors eligible to vote in an election.

8.1.1. The Electors shall be listed by Local.

8.2. Be compiled by the Chief Electoral Officer from the most recent Local Citizenship Lists on file at the Métis Nation - Saskatchewan Office.

8.3. a) Be revised only during a publicly announced revision period. The revision period shall be between the date of the Election Proclamation and twenty days prior to election day to a maximum period of one hundred days.

b) The draft Electoral List shall be posted in the Regions and Locals and be accessible to all Métis citizens. (Amended July 4, 2003)

8.4. Upon provision of evidence to the satisfaction of the Chief Electoral Officer, of a legitimate error or omission, a citizen can have his/her name added to, or removed from the Electoral List during the revision period.

8.5. Be posted in each polling station on Election Day.

8.6. Be made available to the candidates.

ARTICLE NINE - NOMINATION OF CANDIDATES

9. In this Act:

9.1. Any citizen of the Métis Nation - Saskatchewan is eligible to be nominated as a candidate if on the day his/her nomination papers are filed he/she:

9.1.1. Meets the requirements of Eligibility pursuant to this Act;

9.1.2. Has not filed a Frivolous Court Action against the Métis Nation - Saskatchewan within the last three (3) years;

9.1.3. Has not been convicted of an indictable offence within five years (5) prior to the Election Proclamation;

9.1.4. If seeking to be a candidate for Regional Representative, is ordinarily resident in the region for which he/she seeks nomination; and

9.1.5. Has not been charged with an indictable offence.

9.1.6. Has met the conditions in 9.3.

9.2. Any citizen of the Métis Nation - Saskatchewan is eligible to nominate a candidate if he/she meets the requirements of Eligibility pursuant to this Act;

9.3. All nominations for the Executive and the Regional Representatives of the Provincial Métis Council shall be submitted to the Chief Electoral Officer and shall include the following:

9.3.1. The signature of the nominator;

9.3.2. A letter of acceptance from the potential candidate;

9.3.3. A non-refundable bond of one-hundred dollars ($100.00) which shall be deposited by the Chief Electoral Officer into the electoral fund; and

9.3.4. A minimum of five (5) additional individual citizens who shall attest their support of the nomination by signing the nomination form, and if nominating a candidate for Regional Representative, these citizens must be ordinarily resident within the region.

9.3.5. Any candidate who accepts a nomination for the Executive or for Regional Representative of the Provincial Métis Council must, if employed by the Métis Nation - Saskatchewan or any of its Affiliates, apply for a leave of absence from such employment at least thirty (30) days prior to the Election Date, effective on the date he/she files such nomination. All such applications for a leave of absence shall be granted. Proof of the leave of absence shall be tendered in writing to the Chief Electoral Officer along with the nomination and the candidate's letter of acceptance for the nomination.

9.3.6. Proof accepted by the Chief Electoral Officer that he/she has not been charged with, nor convicted of, an indictable offence as provided in 9.1.3 and 9.1.5 through the filing of CPIC criminal record check documentation.

ARTICLE TEN - SCRUTINEERS

10. Scrutineers shall:

10.1. Meet the requirements of the Eligibility and Code of Conduct provisions pursuant to this Act.

10.2. Not have been convicted of an indictable offence within five (5) years prior to the Election Proclamation.

10.3. Present a letter of authorization from their respective Candidate for the purpose of identifying themselves at the polling station.

10.4. Have been appointed by their candidate to represent him/her at that polling station, and to observe the election procedures on his/her behalf. Only one Scrutineer per candidate may be present in the polling area at any one time.

10.5. Not impede, prevent, or otherwise interfere in any way with the free exercise of the elector's right to vote or in any way compel, induce or prevail on an elector to vote or to refrain from voting.

ARTICLE ELEVEN - SECRECY OF VOTING

11. In this Act:

11.1. Voting in the election shall be by secret ballot.

11.2. No person shall interfere or attempt to interfere with an elector who is marking his/her ballot or casting his/her vote or otherwise attempt to obtain at the polling station information as to the candidate or candidates for whom an elector at that polling station is about to vote or has voted

11.3. Each election officer, candidate and scrutineer in attendance at a polling station or at the counting of the ballots shall assist in maintaining the secrecy of the voting and shall not communicate or attempt to communicate any information obtained at the polling place regarding which candidate an elector has voted for or is about to vote for.

ARTICLE TWELVE - CODE OF CONDUCT

12. In this Act:

12.1. No person shall disturb the peace and good order at a polling place or a place where election proceedings are underway.

12.2. The Chief Electoral Officer or his/her designate may cause to remove any person who is disrupting or otherwise interfering at a polling place or a place where election proceedings are underway.

12.3. No person shall unlawfully take down, cover up, mutilate, deface or alter an election proclamation, notice or other document required to conduct an election pursuant to this Act.

ARTICLE THIRTEEN - CONFLICT OF INTEREST

13. In this Act:

13.1. The Commissioners and the Chief Electoral Officer shall not be in a Conflict of Interest respecting their duties;

13.2. Conflict of Interest will exist when:

13.2.1. An immediate family member is a candidate or employee or official in the election. An immediate family member is defined as father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including a common law spouse), child (including a child with a common law spouse), ward, father-in-law, mother-

in-law or relative permanently residing with an election official.

13.2.2. Any close personal or business associate is a candidate or employee or official in the election.

13.3. In such a case where a Commissioner or Chief Electoral Officer are in Conflict of Interest, he/she will be required to:

13.3.1. Reveal his/her interest in or in connection to the candidate, employee or official; and

13.3.2. Shall tender his/her written resignation from the Commission or as Chief Electoral Officer as the case may be.

ARTICLE FOURTEEN - FINANCES

14. In this Act:

14.1. The Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council, shall determine the rate of remuneration and expense accounts for the Commissioners.

14.2. There shall be paid out of the General Fund such sums as are required to meet the monetary obligations of the Métis Nation - Saskatchewan under this Act and approved by the Métis Nation Legislative Assembly.

ARTICLE FIFTEEN - ASSUMPTION OF OFFICE

15. The procedure for Assumption of Office shall be:

15.1. The newly elected Executive and the Regional Representatives of the Provincial Métis Council shall take office the day after election day, and must take an Oath of Office within thirty (30) days of the announcement of official election results.

ARTICLE SIXTEEN - VACANCY OF OFFICE

16. In this Act:

16.1. An office of the Provincial Métis Council is considered vacant when a person who holds that office:

16.1.1. Dies;

16.1.2. Resigns in writing from his/her office; or

16.1.3. Is convicted of an indictable offence and has exhausted such appeals to any appeal courts; or

16.1.4. Ceases to qualify as a candidate by virtue of the membership or residency provisions referred to in Article Six - Eligibility hereof.

16.2. A member of the Provincial Metis Council shall take a leave of absence upon being charged of an indictable offence until the matter is dealt with.

ARTICLE SEVENTEEN - ENACTMENT

17. This Act and Regulations:

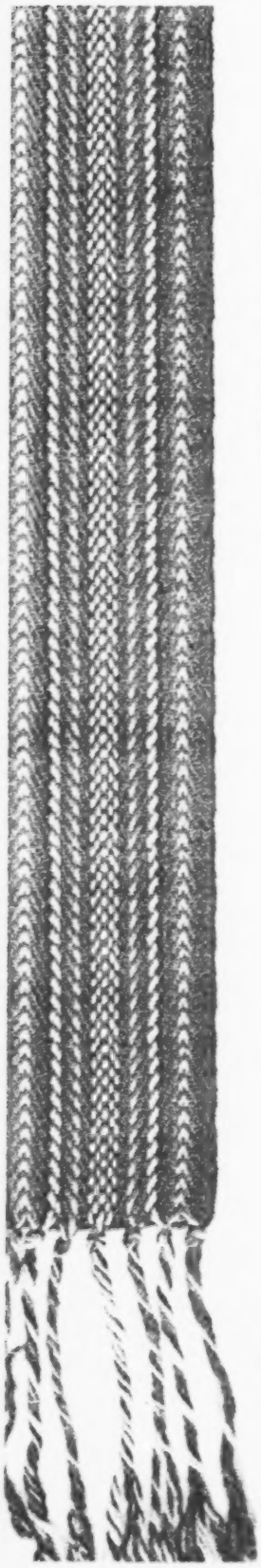
17.1. Comes into force upon ratification by the Métis Nation Legislative Assembly.

17.2. Is binding upon all citizens of the Métis Nation - Saskatchewan and its Affiliates and organizations.

17.3. Repeals all former election legislation and regulations.

17.4. Has received ratification by the Métis Nation Legislative Assembly on this 6th day of November, 1999.

Appendix B



METIS NATION OF SASKATCHEWAN ELECTION REGULATIONS

GENERAL APPLICATION
ELECTION OFFICERS
ELECTORAL LIST
CANDIDATES
ELECTION POLLS
BALLOTS
VOTING
POLL BOOK
COUNTS
APPEALS

GENERAL APPLICATION

1. These regulations apply to general elections and by-elections.

ELECTION OFFICERS

2. Qualifications of Election Officers

2.1. All election officers must meet the requirements of Eligibility and Code of Ethics as set out in the Metis Nation of Saskatchewan Election Act.

2.2. Election officers must not have been convicted of an indictable offence within five (5) years prior to the Election Proclamation.

2.2.1. The Chief Electoral Officer shall recommend to the Metis Election Commission appointments for all election officers based on the recommendations of the Local. The Chief Electoral Officer shall supervise and appoint for each Local where a polling station is established a Deputy Returning Officer and a Poll Clerk.

2.2.2. Deputy Returning Officers and Poll Clerks

2.2.2.1. A person appointed as either a Deputy Returning Officer or a Poll Clerk shall hold office from the time appointed until thirty (30) days after the election or by-election.

2.2.2.2. Deputy Returning Officers and Poll Clerks shall be paid at a remuneration rate as set out by the Metis Elections Commission and approved by Metis Nation of Saskatchewan.

ELECTORAL LIST

3. Qualification of Electors

3.1. In order to participate in an election, the participant shall meet the Eligibility requirements as set out in the Election Act.

3.2. An elector shall have only one place of residence for purposes of these regulations. If a participant claims to have two or more

residences, then for the purposes of these regulations, he/she must select and declare to the Chief Electoral Officer one of the residences to be his/her actual residence.

3.3. An elector is entitled to only one vote for each office for which an election is held.

3.4. An elector must be listed on the Electoral List on Election Day in order to participate in the election.

4. Revision Procedures

4.1. The Chief Electoral Officer will forward to the Local Presidents a temporary Electoral List which is compiled from the Metis Local membership lists on file at the Metis Nation of Saskatchewan Registry Office. The Local Presidents will be responsible for submitting to the Chief Electoral Officer the names and contact information of any new members and striking the names of members who have since deceased or transferred from their Local registry.

4.2. The Chief Electoral Officer will revise the temporary Electoral List and ensure that the revised Electoral List is posted in a public place in each Local community.

4.3. Members will be responsible for verifying that their name is on the Electoral List.

4.4. An elector is responsible to transfer their Local membership to the Local where they are ordinarily resident, pursuant to the Election Act, Article 7.4.

4.5. If a member wishes to mover his/her name to the Electoral List of another Local to meet residency requirements and Article 4.4. above, the member shall make a written request to the Local President of the Local in their area of residency, carbon copying a letter to the President where they were originally registered. Or, an elector can request to have his/her name transferred from their Local Electoral List to an alternate Local Electoral List. These changes may be done by:

4.5.1. Writing to the Chief Electoral Officer and making such a request.

4.5.2. Including verification of residency with adequate documentation (drivers license, picture ID, Income Tax return from the most recent tax year); or

4.5.3. Stating that the elector will be away from the Local where they are registered and wishes to vote at another poll.

4.6. All requests for revision of the electoral list must be processed by the Chief Electoral Officer during the period of time set for revision of the Electoral List. No requests for revision will be accepted or processed on Election Day.

5. Distribution for Election Day

5.1. The Electoral List will identify members by the Local where they hold their membership. A copy of the Local list of members on the

Electoral List will be distributed to each Local, to be posted by the election staff at the polling station for that Local.

5.2. Regional Electoral Lists will be compiled by the Chief Electoral Officer and be made available to all candidates in the election.

6. Verification

6.1. The membership lists on file at the Metis Nation of Saskatchewan Registry Office will be forwarded to the Local Presidents, for update of new or transferred memberships. The updated lists will then be used to develop the Electoral List.

CANDIDATES

7. Qualifications

7.1. Qualifications of candidates are subject to the requirements of the Election Act.

8. Nomination Procedures

8.1. Nominations of candidates for any elected position shall be filed with the Chief Electoral Officer not less than thirty (30) days prior to Election Day. Nominations may be received any time up to 5:00 o'clock in the afternoon thereof at such place and date as is appointed by the Chief Electoral Officer.

8.2. A nomination must comply with the requirements as set out in the Election Act.

9. Where No Candidates Nominated

9.1. In the event that no nominations of a candidate for a particular position is received by the Chief Electoral Officer, the Chief Electoral Officer shall then set an additional day for the receipt of additional nominations for the remaining positions. These nominations shall be received prior to 5:00 o'clock in the afternooon thereof at such place and date as is appointed by the Chief Electoral Officer.

10. Proceedings on Acclamation

10.1. Where the Chief Electoral Officer pursuant to the Election Act receives only one nomination of a candidate for a particular position, the Chief Electoral Officer shall declare that candidate whose nomination was received by the deadline set out herein as being elected.

11. Procedures at Polls

11.1. Within ten (10) days after the nomination deadline, the Chief Electoral Officer will have posted in each Regional Office and within each Local a notice showing:

11.1.1. The names of the candidates nominated and

11.1.2. The date and time and place where polls will be open for the taking of votes for the candidates nominated.

12. Withdrawals

12.1. Any candidate nominated for any particular office may tender a withdrawal in writing to the Chief Electoral Officer before 2:00

o'clock in the afternoon on the second day following the date for nomination deadline.

13. Scrutineers

13.1. Qualification of scrutineers shall be pursuant to the Election Act.

13.2. One scrutineer is allowed per candidate per polling station, pursuant to the Election Act.

13.3. Scrutineers are allowed to be in attendance during voting and at all ballot counts.

ELECTION POLLS

14. Qualification of Electors

14.1. The election officer shall immediately before the commencement of the poll, showe the ballot box to such persons as are present in the polling place so that they may see that it is empty and then shall lock the box and place his/her seal upon it in such a manner as to prevent it from being opened without breaking the seal and he/she shall place the box in plain view for the receipt of ballot papers and shall keep it locked and sealed during the hours of voting.

14.2. In the event that the ballot box leaves the polling station during the hours of voting, the ballot papers within the box shall be considered invalid.

14.3. For the purpose of these regulations, no polling station shall be established in a motorized vehicle such as automobiles, motor homes, trailers, buses, etc.

14.4. No polling place shall be established by the Chief Electoral Officer in premises in which a candidate has any legal interest or estate.

14.5. The polling place shall be accessible to disabled and handicapped persons.

14.6. Polling shall begin at 8:00 a.m. and close at 8:00 p.m. on election day.

14.7. Where a person claiming to be an elector presents him/herself at the polling station for the purpose of voting, the electoral staff shall proceed as follows:

14.7.1. Verify that the elector's name is on the Electoral List. A person who is not named on the Electoral List of that polling station is not entitled to case a vote.

14.7.2. If an elector wishes to be placed on the Electoral List of another Local, he/she may request to do so during the revision period for the Electoral List by doing the following:

14.7.2.1. During the revision period, an elector may make a request to the Chief Electoral Officer to vote at a polling station to which they are not listed on the Electoral List of that polling station.

14.7.2.2. The elector shall provide to the Chief Electoral Officer proper identification, such as a Metis membership card, a driver's license, a Saskatchewan Health Card, or picture identification and can state the name of the Local to which they are registered as a member.

14.7.2.3. The Chief Electoral Officer will verify that the elector is indeed on the Electoral List at the polling station stated by the elector.

14.7.2.4. The Chief Electoral Officer may authorize the transfer.

14.7.3. If the elector's name is on the Electoral List of that polling station, then the elector shall present his/her proper identification to the election officer for verification.

14.7.4. If all above requirements have been met, the election officer shall require the elector to sign his/her name opposite the place where it appears in the Poll Book maintained by the election officer.

14.7.5. The Election officer will explain to the elector as concisely as possible the way in which voting is to be done, including but not limited to the following:

14.7.5.1. That the elector may vote for only one candidate for each position;

14.7.5.2. That the elector should indicate his/her choice by making an "X" in the space beside the name of the candidate he/she supports;

14.7.5.3. That the elector must vote alone;

14.7.5.4. That the elector should fold the ballot paper across in the same manner as it was folded when delivered to him/her by the election officer so as to expose the initials of the election officer but to not expose the front of the ballot paper so as to indicate the candidate or candidates for whom he/she has voted.

14.7.5.5. Before allowing the elector to deposit their ballot paper in the ballot box, the election officer shall verify their own initials on the ballot paper and instruct the elector to deposit their ballot paper in the ballot box.

14.8. In the event there is more than one Local in a community, one polling centre will be established to accommodate all polling stations.

15. Code of Conduct

15.1. No person shall interfere with or attempt to interfere with an elector when making his/her ballot paper or casting his/her vote or otherwise attempt to obtain at the polling station information as

to the candidate or candidates for whom an elector is about to vote or has voted.

15.2. No campaign material, literature or activity shall be permitted within the polling station. For purposes of these regulations, campaigning activity includes the continued presence of the candidate or his/her representative but not the continued presence of the duly appointed scrutineer, and includes any activity intended to influence voting.

BALLOTS

16. Ballot Papers

16.1. Where a poll is established, the Chief Electoral Officer shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election.

17. Contents of Ballot Papers

17.1. Every ballot paper shall contain the name of the duly nominated candidates which shall be arranged alphabetically in the order of their surnames and, if there are two or more candidates with the surnames, then in the order of their given names.

17.2. The ballot papers shall be in the form prescribed by the Chief Electoral Officer.

18. The Marking of Ballots

18.1. Upon receipt of a ballot paper by an election official, the elector shall forthwith proceed to the voting compartment provided for the purpose and shall there and then mark his/her ballot paper by placing a mark on the right hand side opposite the name of the candidate for whom he/she desires to vote.

19. Spoiled and Declined Ballots

19.1. Immediately after the closing of the poll, the election officer in the presence of all election officers and the scrutineers present, shall count the number of spoiled and declined ballots, place them in an envelope marked "Spoiled and Declined Ballots", seal the envelope and endorse thereon the number of such ballots therein contained.

20. Ballots to be Rejected

20.1. The election officer shall reject any ballot that:

20.1.1 Has not been supplied by him/her and initialed;

20.1.2. Has not the symbol "X" marked thereon;

20.1.3. Has the symbol "X" marked opposite the names of more candidates than are to be elected;

20.1.4. Has the symbol "X" and some other figure set opposite the name of the candidate;

20.1.5. Does not show for which candidate the vote is given; or

20.1.6. Has any mark or writing made by the elector by which he/she may be identified.

21. Marks Allowed on the Ballot

21.1. A ballot paper is not invalid merely because the elector without any apparent intention of identification has marked his/her vote out of or partly out of its proper space if the mark clearly indicates the candidate for whom he/she evidently intended to vote or has marked the ballot paper with a form of a cross other than an "X" or the figure "1" or "V" or a check mark or any other mark clearly indicating an intent to vote for the candidate opposite whose name the mark is placed.

21.2. A ballot paper shall not be rejected merely because the elector without apparent intention of identification has marked his/her vote with a writing instrument other than the pencil provided for the purpose.

22. Disposition of Ballots

22.1. The Chief Electoral Officer shall retain all ballot papers received by him/her for one month following the Official count and then:

22.1.1. Unless he/she has received notice of an appeal as provided for herein; or

22.1.2. Unless he/she is otherwise directed by order of the Metis Elections Commission, or an order of a Court having jurisidiction served on him/her within thirty (30) days of the day on which the election was held, he/she shall then cause the ballots to be destroyed in the presence of two witnesses.

22.1.3. The Chief Electoral Officer and the witnesses shall jointly make a statutory declaration that they have witnessed the destruction of the paper and the declaration shall be retained by the Chief Electoral Officer.

22.1.4. A copy of the declaration shall be included in the in the final report tabled at the Metis Nation Legislative Assembly by the Metis Elections Commission.

VOTING

23. Voting Compartments and Materials

23.1. Election officers shall ensure that a proper compartment, in which the elector can mark his/her ballot screened from observation, is provided at each polling station.

24. Secrecy of Voting

24.1. While an elector is in the balloting compartment, no other person shall be allowed to enter the compartment or to be in any position from which he/she can observe the elector marking the ballot paper, unless the person marking his/her ballot paper requires assistance and is granted that assistance as provided herein.

24.2. Every election officer and scrutineer in attendance at a polling station, or at the counting of ballots or at both, shall maintain and aid in maintaining the secrecy of the voting.

25. Voting by Ballot

25.1. Where a poll is established by the Chief Electoral Officer for an

election, the vote shall be given by secret ballot.

26. Persons Entitled to be Present

26.1. During the hours appointed for voting, no person is entitled or shall be permitted to be present in any polling place other than the election officers and scrutineers appointed pursuant to these regulations, the interpreter if any appointed, and such electors as are for the time being actually within the premises in which the polling place is situated, for the purpose of voting.

27. Forfeiture of Voting Right

27.1. Where a person leaves the polling place without first delivering his/her ballot paper to the election officer in the manner prescribed or returns it after declining to vote, he/she thereby forfeits his/her right to vote and the election officer shall make an entry in the poll book in the column for remarks to the effect that the person received the ballot paper but took it out of the polling place or returned it declining to vote as the facts may be.

28. Voting by an Incapacitated Person

28.1. Notwithstanding any other provision in these regulations, where an elector makes a declaration that he/she is unable to read or is incapacitated by blindness or other physical cause, when marking his/her ballot paper, the election officer shall proceed as follows:

28.1.1. He/she shall:

28.1.1.1. Cause the vote of that person to be marked on the ballot paper in the manner directed by that person and shall place the ballot paper in the ballot box.

28.1.1.2. If the person is accompanied by a friend, and so requests, the election officer shall permit the friend to accompany the person into the voting compartment and mark the elector's ballot for him/her.

28.1.1.3. State in the poll book opposite the name of that person of the cause of the incapacity

POLL BOOK

29. Poll Book

29.1. The poll book shall contain the names of all electors listed on the Electoral List and the signatures of all electors next to their name on the Electoral List.

29.2. The poll book shall contain a column for remarks by election officers.

29.3. The election officer shall make a note in the poll book of every objection to a ballot paper by a scrutineer and the officer's decision shall be final and binding on the count.

COUNTS

30. At the close of the polls at the end of the Election Day and to prepare for

the election count:

30.1. The election officer shall count the number of electors whose names appear in the poll book and the number of electors who appear to have voted and shall make an entry thereon in the poll book on the line immediately below the name of the elector who voted last (in the Remarks column):

30.1.1. The number of names on the List;

30.1.2. The number of electors who cast a vote;

30.1.3. Certify the date of this count;

30.1.4. The names and signatures of all election officers; and

30.1.5. The names and signatures of all scrutineers, if they wish to sign.

30.2. The election officer shall then open the ballot box and count the number of ballot papers therein and record the result, in the presence of the other election officers and the scrutineers in attendance.

30.3. The election officer shall then count the number of votes given for each candidate on the ballot papers by the placing thereon opposite the name of the candidate the symbol "X" or any other such symbol as allowed and shall credit each candidate with one vote in respect to each vote given for him/her on an un-rejected and un-objected to ballot and on each ballot objected to but counted.

30.4. The election officer shall make out a statement in duplicate showing the number of votes given for each candidate and such other particulars as are required and the statement shall forthwith be signed by him/her and the other election officers and such other scrutineers as may be present and desire to sign.

30.5. One copy of the statement shall be attached to the poll book and the second shall be retained by the electoral officer to be forwarded to the Chief Electoral Officer.

31. Unofficial Counts

31.1. After making the statement mentioned above, the election officer shall in the presence of the persons authorized to attend make up into separate packets:

31.1.1. The statement of the poll;

31.1.2. The used ballot papers that have been objected to and have not been counted.

31.1.3. The ballot papers that have been objected to but have been counted.

31.1.4. The rejected ballot papers not objected to.

31.1.5. The rejected ballot papers objected to.

31.1.6. The spoiled and declined ballot papers.

31.1.7. The discarded ballot papers.

31.1.8. The unused ballot papers.

31.1.9. The poll book with the declaration of the election officer therein.

31.1.10. The electoral list used at the poll.

31.1.11. The statement of the number of electors marked by the electoral officer under the heads "physical incapacity" and "unable to read" with the declaration of the inability.

31.1.12. The notes taken of objections made to ballot papers found in the ballot box.

31.1.13. All other documents that were completed, prepared or used at the election.

31.2. The election officer shall seal each of the packets mentioned above with his/her own seal and such scrutineers as desire may affix their seals and signatures.

31.3. The election officer shall mark on the outside of each of the packets a short statement of the contents thereof, the date of the election, his/her name and the return and the name of the election.

32. Official Count

32.1. The Chief Electoral Officer, within no longer than fourteen (14) days of the Election Day, will proceed with the Official Count.

33. Announcement of Results

33.1. The Chief Electoral Officer shall publicly declare to be elected the candidate or candidates having the greatest number of votes.

33.2. Where it appears that two or more candidates have an equal number of votes the Chief Electoral Officer shall at the time he/she declares the result of the poll state that two or more candidates, naming them, to have an equal number of votes.

33.3. In the event of a tie, and all appeal processes have been exhausted, a by-election will have to be held.

APPEALS

34. Appeals

34.1. A candidate may appeal a decision of the Chief Electoral Officer by filing a statement of appeal in writing, with the Metis Elections Commission within fourteen (14) days of the announcement of the Official Count. All appeals filed with the Metis Elections Commission shall include a non-refundable bond of one hundred dollars ($100.00).

34.2. Upon receipt of an appeal, the Metis Elections Commission shall forwith direct the Chief Electoral Officer not to destroy the ballot papers pertaining to the specific election under appeal until further notice.

34.3. Where it appears that two or more candidates have an equal number of votes, and the Chief Electoral Officer cannot declare a candidate to be elected the Chief Electoral Officer shall immediately conduct a recount of the ballots as hereinafter provided.

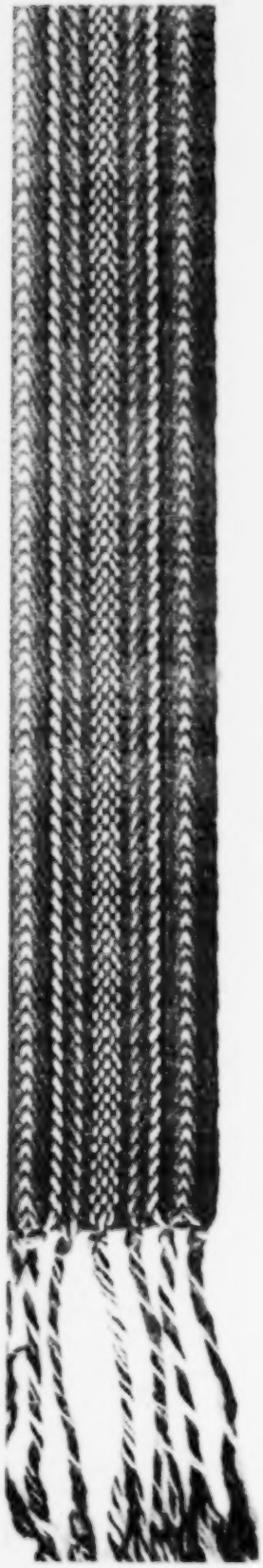
34.4. If is made to appear by the statement of a candidate filed with the Chief Electoral Officer at any time within fourteen (14) days from the date of the election that any ballot papers may have been improperly counted or rejected on application made to him/her for the purpose, the Chief Electoral Officer shall appoint a time and place where he/she will proceed to recount the ballots and he/she shall give notice thereof in writing to the Metis Elections Commission, the election officers and the candidates.

34.5. Upon completion of the recount or as soon as he/she has ascertained the result of the poll, the Chief Electoral Officer shall seal up all the ballot papers in separate packets and unless a new election is ordered, the Chief Electoral Officer shall forthwith certify the result and then declare to be elected the candidate having the highest number of votes.

34.6. Whereupon completing this recount, the Chief Electoral Officer finds that each of the two or more candidates has received an equal number of votes; and cannot therefore finally determine the result of the election by declaring to be elected the number of persons or the remaining number of persons required to be elected he/she shall require a new election to be held.

34.7. Where any new election is ordered the candidates for election in the run-off election shall be only those candidates who had an equal number of votes following the recount.

Appendix C



CONSTITUTION OF THE METIS NATION OF SASKATCHEWAN

PREAMBLE:	
ARTICLE 1:	NAME OF ORGANIZATION
ARTICLE 2:	MÉTIS NATION LEGISLATIVE ASSEMBLY
ARTICLE 3:	PROVINCIAL MÉTIS COUNCIL
ARTICLE 4:	EXECUTIVE
ARTICLE 5:	REGIONS
ARTICLE 6:	URBAN COUNCILS
ARTICLE 6.1:	NORTHWEST SASKATCHEWAN MÉTIS COUNCIL
ARTICLE 7:	LOCALS
ARTICLE 8:	ELECTIONS
ARTICLE 9:	METIS NATION OF SASKATCHEWAN HEAD OFFICE
ARTICLE 10:	CITIZENSHIP
ARTICLE 11:	GENERAL ASSEMBLY
ARTICLE 12:	SENATE, WOMEN AND YOUTH
ARTICLE 13:	MÉTIS INDEPENDENCE
ARTICLE 14:	AFFILIATES
ARTICLE 14 (1):	SECRETARIAT (Inserted June 26, 1997)
ARTICLE 15:	AMENDING FORMULA
ARTICLE 16:	IMPLEMENTATION

PREAMBLE:

The Métis Nation and People are a distinct SOCIETY within the Aboriginal Peoples of Canada. The Métis are distinct from the Indians and Inuit and are the descendants of the historic Métis who evolved in what is now Western Canada and part of the northern United States, as a people with a common political will and consciousness.

Having experienced physical and political conflict and dispossession in the late 1800's, we are still engaged in a continuing struggle to rebuild our social case and revive our cultural heritage and pride. As

such, we are striving for the political, legal and constitutional recognition and guarantees of the rights of our People, including the right to a land and resource base, self-government and self-government institutions. In order to achieve these objectives we are hereby reestablishing a strong and revitalized organization within the province of Saskatchewan, which must involve all sectors within our Society.

While pursuing these objectives within Saskatchewan, we are also committed to cooperating with the members of the Métis Nation in the rest of the Métis Homeland in order to develop a National Forum to represent our collective interests at the national and international levels.

We the citizens of the Métis Nation recognize:

> The inherent dignity to equality and rights which can never be taken away from Métis people is the foundation of Freedom, Justice and Peace in the Métis Nation.
>
> The ideal of all Métis enjoying civil and political freedom can only be achieved if conditions are created whereby every Métis may enjoy their civil, political rights, economic, social and cultural rights.
>
> The promotion of Universal respect for and observance of all the collective and individual rights and freedoms of all Métis.
>
> Realize that the Métis individual, having duties to other Métis individuals and to the Métis community to which they are a part of, is under the responsibility to strive for the promotion and observance of all Métis rights.

Therefore we the citizens of the Métis Nation agree to the following articles:

1. All Métis have the rights to self-determination. By virtue of that right we the citizens of the Métis Nation will freely determine our political status and freely pursue our economic, social and cultural development;

2. The Métis Nation undertakes to respect and ensure to all individuals within the nation and subject to its jurisdiction the rights without distinction of any kind such as race, color, sex, language, religion, political or other opinions;

3. To ensure that any Métis person whose rights or freedoms as herein recognized are violated shall have an effective remedy;

4. To ensure that any person claiming such a remedy shall have

their right thereto determined by competent Judicial, administrative or legislative authorities of the Métis Nation of Saskatchewan.

5. To ensure competent authorities as enacted by the Métis Nation of Saskatchewan shall enforce such remedies when granted;

6. The Métis nation undertakes to ensure the equal right of men and women to enjoy all civil and political rights set forth in these articles;

7. Every Métis citizen shall have the right to liberty of movement and freedom to choose their residence;

8. No Métis citizen in the Métis Nation shall be deprived of the right to join a local in the community they reside;

9. All person shall be equal before the Métis Legislative Assembly in the termination of any issue which they are charged with. Every Métis Person shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by the Métis Legislative Assembly;

10. No Métis Person shall be subject to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks on their honor or reputation;

11. Every Métis person shall have the right to freedom of thought, conscience and religion;

12. No Métis Person shall be subject to coercion that would impair their freedom to have or adopt a belief of their choice;

13. The Métis Nation of Saskatchewan shall have respect for the liberty of parents or guardians to ensure the moral education of their children is in conformity with their own convictions;

14. Every Métis Person has the right to hold opinions without interference;

15. Every Métis Person shall have the right to expression. This right shall include the freedom to seek, receive and import information and ideas of all kinds either in writing or print, in the form of art, or through any media of their choice;

16. The right of Métis People to assemble and organize at the community level shall be recognized;

17. Every Métis Person shall have the right of association.

1. No restrictions may be placed on the exercise of this right other than those prescribed by the Métis Legislative Assembly which are necessary to protect the interests of the Métis Nation.

18. The family is the natural and fundamental group of the Métis Nation and is entitled to protection by the Métis Nation;

19. Every Métis child born of a Métis man or woman is a citizen of the Métis Nation and shall be registered immediately;

20. Every Métis Person has the right to:

    1. Take part in the conduct of public affairs, directly or through freely chosen representatives.

    2. To vote and to be elected to the Local, Assembly of Representatives or the Métis Legislative Assembly.

    3. All votes shall be of equal and universal suffrage and shall be held by secret ballot which guarantees the free expression of the will of the electors.

    4. All Métis shall have the right to access all public services offered through the Métis Nation affiliates.

21. All Métis Persons are equal and entitled to protection by the Métis Nation of Saskatchewan. (Amended November 18, 2000)

ARTICLE 1: NAME OF ORGANIZATION

1. The organization shall be known as the "Métis Nation - Saskatchewan". (amended November 18, 2000)

ARTICLE 2: MÉTIS NATION LEGISLATIVE ASSEMBLY

1. There shall be a Métis Nation Legislative Assembly which shall be the governing authority of the Métis Nation of Saskatchewan.

2. The Métis Nation Legislative Assembly shall be comprised of the Local Presidents, The Provincial Métis Council, four representatives of the Métis Women of Saskatchewan and four representatives from the Provincial Métis Youth Council. (amended November 18, 2000).

    1. Notwithstanding Section 2, the Vice President of a Local shall serve as an alternate member of the Métis Nation Legislative Assembly in the event that a President is not able to attend. (amended November 18, 2000.)

3. The Métis Nation Legislative Assembly shall have the authority to enact legislation, regulations, rules and resolutions governing the affairs and conduct of the Métis in Saskatchewan.

4. The President shall assign and recommend portfolios, subject to the approval of the Provincial Métis Council and ratification by the Métis Nation Legislative Assembly. The assignment of portfolios shall be restricted to members of the Métis Legislative Assembly. (amended June 16/97)

5. The Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council, shall have the authority to appoint Commissions, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization. In so doing the Assembly shall ensure equity of representation from the Youth, Women and Elders.

6. The Métis Nation Legislative Assembly shall meet at least twice a year.

7. Seventy-five members of the Métis Nation Legislative Assembly shall constitute a quorum.

8. Notice of any session of the Métis Nation Legislative Assembly shall require thirty days notice to the Local Presidents and Provincial Métis Council.

9. A person is disqualified from being a member of the Métis Nation Legislative Assembly when:
    1. he/she dies or resigns
    2. he/she is under sixteen (16) years of age.

10. All budgets shall be determined by the Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council.

11. The delegates to the Métis National Assembly of the Métis National Council shall be the Provincial Métis Council and the remainder shall be chosen from amongst the members of the Métis Nation Legislative Assembly, while the President shall form part of the Executive Council of the Métis National Council. This Constitution may be amended to take into account and reflect changes which may take place within the Métis National Council.

ARTICLE 3: PROVINCIAL MÉTIS COUNCIL

1. The Provincial Métis Council shall be composed of the elected Regional Representatives, the Executive, one representative from the

Métis Women of Saskatchewan and one representative from the Provincial Métis Youth Council for a total of Eighteen (18) Provincial Métis Council members. (amended November 18, 2000)

2. The Provincial Métis Council shall form the cabinet and be responsible for the portfolios to be assigned and recommended by the President.

3. The Provincial Métis Council shall be responsible for ensuring that the affiliates, departments, programs and services covered by their portfolios are running smoothly and have the necessary resources to enable them to operate effectively. In addition, they shall provide a report to each meeting of the Provincial Métis Council and each session of the Métis Nation Legislative Assembly or as requested by the President.

4.

    1. The Provincial Métis Council shall have the authority to appoint Commission, Committees or other subsidiary bodies, where these are deemed necessary in order to effectively carry out the activities and functions of the Organization and Métis Legislative Assembly directives.

    2. The Provincial Métis Council shall designate persons who may have signing authority for the purpose of conducting the affairs of the Organization, which shall include the Treasurer.

5. The Provincial Métis Council shall meet at least once every two months.

6. Eleven members of the Provincial Métis Council shall constitute a quorum. (amended November 18, 2000)

7. Notice of any meeting of the Provincial Métis Council shall be given at least seven days prior to such meeting.

8. The Provincial Métis Council shall provide written reports to the Métis Nation Legislative Assembly.

9. Elected Provincial Métis Council members and Presidents should not hold paid positions with the Métis Nation of Saskatchewan or any of the Affiliate Boards.

10. The Provincial Métis Council shall set the date and place for each Métis Nation Legislative Assembly sitting, provided no less that Thirty (30) days written notice is given to the President of each Local.

ARTICLE 4: EXECUTIVE

1. There shall be Four (4) Executive members of the Métis Nation Legislative Assembly who are elected province-wide.

2. The Executive shall be composed of the President, Vice-President, Secretary and Treasurer. (amended December 13/97)

3. The term of office for the Executive shall be three years.

4.
    1. The President of the Métis Nation Legislative Assembly shall be the head of the Executive, and Chief political spokesperson for the Organization.

    2. The President shall assign and recommend portfolios, subject to the approval of the Provincial Métis Council and ratification of the Métis Nation Legislative Assembly.

5. The Executive of the Métis Nation Legislative Assembly shall meet at least once per month and three members shall constitute a quorum.

6. The Executive shall provide written reports to the Métis Legislative Assembly.

7. Where a vacancy is created for any reason, including death or resignation, the Métis Nation Legislative Assembly shall elect from the Provincial Métis Council members an interim Executive member, who shall serve until a by-election has been held and the vacancy filled.

ARTICLE 5: REGIONS

1. There shall be Twelve (12) Regions as set out in Schedule A of this Constitution.

2. The Regions shall be governed by a Regional Council composed of the Presidents of the Locals within the respective Regions along with a regionally elected representative who shall be the Chairperson of the Regional Council, as well as the Region's Representative on the Provincial Métis Council of the Métis Nation Legislative Assembly.

3. The Regional Council shall have the responsibility of making all appointments to the Institutions and Affiliates at the Regional and Provincial levels. In the event that the Regional Representative is not so appointed, he/she shall be an ex-officio member of all Regional Institutions and Affiliates. (Amended June 26/97)

4. The Regional Council shall establish regional administrative offices.

5. The Regional Councils shall be responsible for programs and services

decentralized to that level.

6. The Regional Councils shall enact a Constitution which is not inconsistent with this Constitution and such Regional Constitutions shall be registered with the Head Office.

7. The Regional Councils may incorporate with the appropriate government department.

8. The Regional Councils may seek the necessary finances and resources to carry out its programs, services, objectives and duties, and where so requested the Provincial Métis Council shall assist in securing these necessary finances and resources.

9. The Regional Councils shall assist their Local Communities in preparing to assume Métis self-government, which includes land, where this is an objective.

10. The Regional Councils shall provide direction to their Representatives on the Provincial Métis Council with respect to all matters, including the aims, objectives and aspirations of the Organization, and for their respective Regions. (Amended June 26/97)

11. Where a vacancy is created for any reason, including death or resignation, the Regional Council shall elect from the members of the Council an interim Regional Representative, who shall serve until a by-election has been held and the vacancy filled.

ARTICLE 6: URBAN COUNCILS

1. The Métis Nation of Saskatchewan shall initiate, assist, support, assign, recommend, and facilitate the development, implementation, and establishment of Métis Urban Self-Government Councils in Saskatchewan.

ARTICLE 6.1: NORTHWEST SASKATCHEWAN MÉTIS COUNCIL

1. The Métis Nation of Saskatchewan shall assist, support, recommend and facilitate the Regions forming the North West Saskatchewan Métis Council to develop, establish and implement Métis governance for their Métis Communities. (Amended Dec.13/97)

ARTICLE 7: LOCALS

1. The Locals shall be the basic unit of the Organization in each community.

2. The Local shall be made up of at least nine members.

3. New Locals can be admitted by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are met.

4. Locals can be dissolved by the Regional Councils provided this decision is ratified by the Métis Nation Legislative Assembly and the requirements herein are no longer met.

5. The Métis Nation Legislative Assembly shall adopt rules pertaining to the admission and dissolution of Locals.

6. Each Local shall be governed by an elected leadership as determined through the Constitution of the Local, which may include terms of one to three years and elections may be by ballot box or conducted at a General Assembly of the Local membership.

7. Any Métis who is sixteen years of age or over and is a member of the Local shall be entitled to vote or seek office.

8. Each Local shall be enact a Constitution which is not inconsistent with this Constitution, including the establishment of portfolios, committees or other bodies required to address community and other issues, and such Local Constitutions shall be registered with the Regional and Head Office of the Organization.

9. The Locals shall provide yearly up-dates of their membership to the Regional and Head Office, separating those members who are under sixteen years of age, from those sixteen and over.

10. The Locals shall be responsible to prepare the Communities for the assumption of Métis self-government, which includes land, where this is an objective.

11. The Locals may incorporate with the appropriate government department.

12. The Locals may seek necessary finances and resources to carry out their programs, services and objectives, and where so requested the Provincial Métis Council of the Métis Nation Legislative Assembly shall assist in securing these necessary finances and resources.

ARTICLE 8: ELECTIONS

1. Any member who is sixteen years of age or older may vote or seek elected office within the Métis Nation of Saskatchewan.

2. Elections for the Provincial Métis Council of the Métis Nation

Legislative Assembly shall be held on the date set by the Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council.

3. Elections for the Provincial Métis Council of the Métis Nation Legislative Assembly shall be held at least every three years.

4. The Executive of the Métis Nation Legislative Assembly shall be elected by the total membership at the Local polls by secret ballot.

5. Regional Representatives of the Provincial Métis Council shall be elected within their respective Regions through the establishing of a poll in each Local.

6. The Métis Nation Legislative Assembly shall enact, on a priority basis, an Elections Act, along with the necessary regulations and guidelines.

7.

    1. A Métis Elections Commission composed of 3 Senators is empowered to oversee and conduct the general elections and by-elections of the Organization.

    2. The terms of office of the Senators who sit on the Commission shall cease at the first session of the Métis Nation Legislative Assembly following the elections.

    3. The Senators who sit on the Commission shall be appointed by the Métis Nation Legislative Assembly, based upon the recommendations of the Senate, for a term of not more than three years, and are eligible for reappointment.

    4. When the election or by-election date has been set and the election called by the Métis Nation Legislative Assembly, based upon the recommendation of the Provincial Métis Council, the Commission shall have sole authority and responsibility to conduct the elections and shall be independent and answerable only to the Métis Nation Legislative Assembly.

    5. The Commission shall appoint a Chief Electoral Officer and other required personnel.

    6. The Commission shall be responsible for official recounts and appeals.

    7. The decisions of the Commission shall be final and binding, subject to the right of appeal to the Métis Nation Legislative Assembly, which decision shall be final and binding.

    8. The Métis Nation Legislative Assembly, based upon the

recommendations of the Provincial Métis Council, shall determine the rate of remuneration and expense accounts for the Commission members, along with the period deemed necessary for the work of the Commission.

8. In the event of a vacancy on the Provincial Métis Council of the Métis Nation Legislative Assembly, a by-election shall be called within ninety (90) days from the date of vacancy.

9. When nominations close all candidates shall take a leave of absence for any elected position on the Provincial Métis Council of the Métis Nation Legislative Assembly or any salaried position with the Organization, or its subsidiary bodies. The Provincial Métis Council members and any person who has a salaried position with the Organization shall continue to receive their salary while they are on such leave of absence.

10. When nominations close and until candidates are unofficially elected, the Senators shall be solely responsible for conducting the affairs and activities of the Organization. The Senators shall receive remuneration for their work during this period.

11. The Provincial Métis Council members shall be on call and shall conduct business or represent the Organization form time to time as requested by the Senate. The Provincial Métis Council member shall receive expenses to compensate for travel as requested by the Senate.

12. All defeated or retiring candidates who were on the Provincial Métis Council prior to the election shall be entitled to and will receive their salary for two weeks after the election.

13. Any candidate who's election has been appealed under Section 7(f) and has been found guilty by the Métis Elections Commission of violating Section 9 shall forfeit such elected position with a right of appeal to the Métis Nation Legislative Assembly, which decision shall be final and binding.

ARTICLE 9: METIS NATION OF SASKATCHEWAN HEAD OFFICE

1. The Head Office shall be in Saskatoon.

2. The (12) Regional Offices of the Organization shall be accessible to our People and Leadership.

ARTICLE 10: CITIZENSHIP

1. 'Métis' means an Aboriginal person who self-identifies as Métis, who is distinct from Indian and Inuit, and:

1. is a descendant of those Métis who received or were entitled to receive land grants and/or Scrip under the provision of the *Manitoba Act, 1870* or the *Dominion Lands Act*, as enacted from time to time; or

2. a person of Aboriginal descent who is accepted by the Métis Nation and/or Métis Community.(Amended Dec. 13/97)

2. Any Métis who is a member of a duly registered Local is a member of the Métis Nation of Saskatchewan.

3.

1. A member shall only belong to one (1) Local.

2. A person shall reside in the Local for at least (6) months before he/she is eligible for membership in that Local. The Locals may make exceptions for educational and medical purposes.

4. Members shall be issued a membership card.

1. This card shall provide life-time membership in the Organization.

2. There shall be no fee for membership cards.

3. Membership cards shall be numbered and a register maintained by the Senate in the Head Office. Replacement cards shall retain original number.

4. Membership cards shall be issued by the President of Secretary of a duly registered Local upon completion of the designated form.

5. Where there is a dispute as to membership, a ruling shall be made by the Senate, with a final right of appeal to the Métis Nation Legislative Assembly the decision of which shall be final and binding.

6. The Métis Nation Legislative Assembly shall enact, on a priority basis, a Métis Citizenship Act. (Adopted November 14, 1997)

ARTICLE 11: GENERAL ASSEMBLY

1. A General Assembly, composed of member from the Locals, shall be convened by the Métis Nation Legislative Assembly every year.

2. The General Assembly shall provide a Forum whereby the members of the Organization will receive information, review developments and provide guidance to the Métis Nation Legislative Assembly, and discuss, clarify, amend, vote on and ratify amendments to the

Constitution.

ARTICLE 12: SENATE, WOMEN AND YOUTH

1. The Métis Nation Legislative Assembly shall make these items a priority, and shall involve the Senators, Women and Youth in the determination of their role and responsibilities within the Organization.

2. The Métis Women of Saskatchewan shall be designated (1) seat in the Provincial Métis Council and (4) seats in the Métis Nation Legislative Assembly. This provision shall cease to apply when women have achieved equitable representation in the Provincial Métis Council and Métis Nation Legislative Assembly.

2. 1. That the Provincial Métis Youth Council shall be designated (1) seat on the Provincial Métis Council and (4) seats at the Métis Nation Legislative Assembly.

3. That appointments to vacancies in the Métis Senate be made at area meetings; Further, that Senate appointments be for lifetime or until such time as the Senator is unable to fulfil his/her duties.

4. That the Senate be given the power to resolve disputes occurring in the Regions and Locals. Further, that decisions of the Senate shall be final and binding.

5. That the Senate be equally represented by male and female.

ARTICLE 13: MÉTIS INDEPENDENCE

1. Whereas the Métis are seeking self-government as a third order of government within Canada, the organization shall be non-secretariat and non-partisan.

2. The loyalty of the members of the Métis Nation Legislative Assembly must be to the Métis People and Nation, and shall swear an Oath of Allegiance prior to taking office.

3. The leadership shall be responsible and accountable to the Communities, as reflected by the Métis Nation Legislative Assembly, which is the Supreme Body for the Métis within Saskatchewan.

4. Members of the Organization are not precluded from joining political parties of the two other orders of government, being the federal and provincial levels of government.

5. Any Provincial Métis Council member of the Métis Nation Legislative Assembly who chooses to seek the nomination of any Provincial of

Federal Political Party in any provincial or federal election shall take a leave of absence from his/her position.

ARTICLE 14: AFFILIATES

1.
    1. The Métis Nation Legislative Assembly, on behalf of the Métis Nation - Saskatchewan, shall exercise all voting rights, powers, and duties of ownership in relation to the affiliates, based upon the recommendations of the Provincial Métis Council.

    2. Where not currently provided all affiliate Articles and By-laws shall be amended at the first reasonable opportunity to conform with this section.

2. The Provincial Métis Council members who is assigned a portfolio shall automatically sit as the Chairperson of the Affiliate(s) which falls under his/her portfolio.
3. A member who is an employee/staff person/management of an Affiliate shall not be permitted to sit on any Affiliate Board.
4. All Affiliates shall representation from the (12) Regions of the Organization, unless otherwise decided by the Métis Nation Legislative Assembly, based upon the recommendations of the Provincial Métis Council.

ARTICLE 14 (1): SECRETARIAT (Inserted June 26, 1997)

1. A Secretariat shall be retained under the Non-Profit Corporations Act for the sole purpose of carrying out the administrative duties of the Métis Nation - Saskatchewan. (Inserted June 26/97)

2. The Secretariat shall be known as the Métis Nation of Saskatchewan Secretariat Incorporated. (Inserted June 26/97)

3. The Board of Directors of the Secretariate shall be the same members who are elected to the Provincial Métis Council. (Inserted June 26/97)

ARTICLE 15: AMENDING FORMULA

1. The Constitution shall only be amended by the majority of three quarters of the members of the Métis Nation Legislative Assembly and ratified by three quarters of the members of the General Assembly.

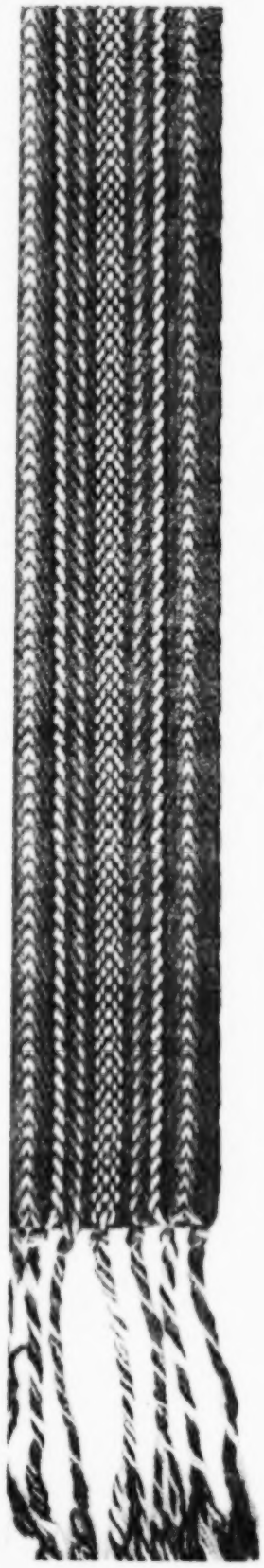
2. All proposed amendments to the Constitution must be registered with the Métis Nation of Saskatchewan Head Office thirty days prior to the sitting of the Métis Nation Legislative Assembly is provided. Where the minimum 30 days notice is provided under Article 2, Section 8, all proposed amendments must be registered 14 days prior to the sitting

of the Métis Nation Legislative Assembly. (Inserted June 26/97)

ARTICLE 16: IMPLEMENTATION

1. The Constitution shall take effect upon its adoption by the General Assembly subject to amendments validly passed by three quarters of the Assembly present, and the conclusion of General Assembly. Upon the happening of these two conditions all previous By-laws of the Organization are repealed and this Constitution shall constitute the sole Constitution of the Organization, until otherwise determined by the Organization.

Appendix D



Métis Nation of Saskatchewan Legislative Assembly Act

Ratified November 6, 1999
Amended November, 2001

ARTICLE ONE - TITLE
ARTICLE TWO - INTERPRETATION
ARTICLE THREE - COMPOSITION OF THE MÉTIS NATION LEGISLATIVE ASSEMBLY
ARTICLE FOUR - VOTING AND QUORUM
ARTICLE FIVE - SPEAKER OF THE MÉTIS NATION LEGISLATIVE ASSEMBLY
ARTICLE SIX - CLERK
ARTICLE SEVEN - SENATE
ARTICLE EIGHT- DUMONT'S SCOUT
ARTICLE NINE - REPORTING
ARTICLE TEN- MINUTES
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ARTICLE TWELVE - CONSTITUTION
ARTICLE THIRTEEN - APPEALS
ARTICLE FOURTEEN - PROCLAMATIONS
ARTICLE FIFTEEN - AFFILIATES
ARTICLE SIXTEEN - ENACTMENT

ARTICLE ONE - TITLE

1. This Act may be cited as "The Métis Nation Legislative Assembly Act, 1999."

ARTICLE TWO - INTERPRETATION

2. In this Act:

2.1. "Act" shall mean the Métis Nation Legislative Assembly Act.

2.2. "Affiliates" shall mean those organizations and structures established by the Métis Nation - Saskatchewan to provide programs and services to and on behalf of the Métis of Saskatchewan.

2.3. "General Assembly" shall mean the meeting of the

General Assembly as set out in the Constitution.

2.4. "Clerk" shall mean the Clerk of the Métis Nation Legislative Assembly.

2.5. "Conflict of Interest" shall exist when an immediate family member of a member of the Métis Nation Legislative Assembly is either an Appellant or a Respondent in an appeal before the Assembly. An immediate family member is defined as father, mother, stepfather, stepmother, foster parent, brother, sister, spouse (including a common law spouse), child (including a child with a common law spouse), ward, father-in-law, mother-in-law or relative permanently residing with a member or any close personal or business associate.

2.6. "Deputy Speaker" shall mean the Deputy Speaker of the Métis Nation Legislative Assembly.

2.7. "Dumont Scout" shall mean the person responsible for the keeping of the peace at the Métis Nation Legislative Assembly, named in honour of Dumont 's peacemakers historically called 'Scouts.'

2.8. "Executive" shall mean the Executive members of the Métis Nation Legislative Assembly/ Provincial Métis Council who are elected province-wide.

2.9. "Locals" shall mean the Métis Nation - Saskatchewan Locals as set out in the Constitution.

2.10. "Métis Nation Legislative Assembly" shall mean the governing authority of the Métis Nation, as set out by the Constitution.

2.11. "Order of the Day" shall mean the compilation of documentation for members of the Métis Nation Legislative Assembly including the Agenda, Reports, Minutes, Appeal Documents, Draft Legislation, Motions and Constitutional Amendments to be tabled at the Métis Nation Legislative Assembly.

2.12. "Provincial Métis Council" shall mean the Regional Representatives, the Executive, one representative from the Métis Women of Saskatchewan.

2.13. "Regions" shall mean the Métis Nation - Saskatchewan Regions as set out in the Constitution.

2.14. "Senate" shall mean the Métis Nation - Saskatchewan Senate.

2.15. "Speaker" shall mean the Speaker of the Métis Nation Legislative Assembly.

ARTICLE THREE - COMPOSITION OF THE MÉTIS NATION LEGISLATIVE ASSEMBLY

3. In this Act:

3.1. The Métis Nation Legislative Assembly shall be composed of:

3.1.1. The Provincial Métis Council ;

3.1.2. The Presidents of duly registered Locals of the Métis Nation - Saskatchewan ; and

3.1.3. Four Representatives of the Métis Women of Saskatchewan .

3.1.4. Four Representatives of the Métis Nation – Saskatchewan Youth Council.

(Amended, November 2001)

3.1.5. In the event that a Local President is unable to attend the Métis Nation Legislative Assembly, the duly registered Local's Vice-President may represent the Local.

(Amended, November 2001)

ARTICLE FOUR - VOTING AND QUORUM

4. In this Act:

4.1. Seventy-five (75) members of the Métis Nation Legislative Assembly constitutes a quorum of the Métis Nation Legislative Assembly.

4.2. The members shall be identified through a Roll Call registry at the Opening of the Legislative Assembly. The Roll Call will be used to determine quorum and voting.

4.3. Resolutions, ratification and appointments shall be made by a simple majority of the Roll Call, quorum being the minimum.

4.4. Constitutional amendments shall require seventy-five percent (75%) of the members of the Roll Call, quorum being the minimum.

4.5. Any decision ratified by the Métis Nation Legislative Assembly shall be binding on all Métis Nation - Saskatchewan citizens, subsidiary bodies and Affiliates.

ARTICLE FIVE - SPEAKER OF THE MÉTIS NATION LEGISLATIVE ASSEMBLY

5. The Speaker and Deputy Speaker will:

5.1. Be appointed by the Provincial Métis Council and ratified by the Métis Nation Legislative Assembly.

5.1.1. The term of appointment for the Speaker or Deputy Speaker will be for two years subject to re-appointment.

5.1.2. Appointments for Speaker and Deputy Speaker may be made from within or outside the Métis Nation Legislative Assembly.

5.2. Be responsible for the procedures, rules, debates and decorum of the Legislative Assembly.

5.3. Receive the list of members and seating arrangements of the Legislative Assembly from the Clerk as established by the Roll Call.

5.4. Approve all participation in debates and voting.

5.5. Secure a written record of the Legislative Assembly and certify the minutes.

5.6. Require Dumont 's Scout to expel for the remainder of the day any member or observer from the Legislative Assembly for failing to follow the ruling of the Speaker.

5.7. Ensure that only Legislative Assembly members are seated in the Assembly with all other observers seated in designated areas.

5.8. Approve all documentation to be circulated to Legislative Assembly members.

5.9. Also hold the seats of Chairperson and Co-chairperson of the Annual General Assembly.

ARTICLE SIX - CLERK

6. The Clerk of the Métis Nation Legislative Assembly will:

6.1. Be the Chief Executive Officer of the Métis Nation - Saskatchewan .

6.2. Be responsible for compiling the necessary documentation for the Order of the Day.

6.3. Be responsible for the agenda of the Métis Nation Legislative Assembly as directed by the Provincial Métis Council.

6.4. Obtain and hold a certified copy of the minutes from the Speaker of the Métis Nation Legislative Assembly.

6.5. Provide the certified minutes of the Métis Nation Legislative Assembly to the members of the Métis Nation Legislative Assembly.

6.6. Secure, by contract, an independent person or agency to duly record the minutes and procedures of the Métis Nation Legislative Assembly.

6.7. In the case of Appeals to the Métis Nation Legislative Assembly, verify that the Appellant has met the legislative and regulatory requirements for Appeal, and if so, forward the Appeal to the Provincial Métis Council for their consideration as an addition to the Agenda.

6.8. Be responsible for notifying the Appellant and Respondent of the status and decision regarding the request for Appeal to the Métis Nation Legislative Assembly.

6.9. Ensure that the necessary staff are in place for the running of the Assembly and may appoint a Deputy Clerk to assist in carrying out these duties.

6.10. Also hold the seat as Clerk at the Annual General Assembly.

ARTICLE SEVEN - SENATE

7. The Senate will:

7.1. Have a Ceremonial Role in the Métis Nation Legislative Assembly by:

7.1.1. Giving Opening and Closing Prayers

7.1.2. Swearing-In any new members

7.2. Table a report to the Métis Nation Legislative Assembly, including recommendations on any Appeals or Disputes, by submitting a written report to the Clerk prior to the thirty day deadline of the Métis Nation Legislative Assembly to be compiled in the Order of the Day.

7.3. Be available to the Métis Nation Legislative Assembly for clarification on any recommendations.

7.4. Be available to the Métis Nation Legislative Assembly for advice and direction as required.

ARTICLE EIGHT- DUMONT 'S SCOUT

8. In this Act:

8.1. Dumont 's Scout will be appointed by the Provincial Métis Council to maintain order and procedure during the Assembly.

ARTICLE NINE - REPORTING

9. With the exception of sittings of the Metis Nation Legislative Assembly to conduct special business, the following written reports will be tabled at the Métis Nation Legislative Assembly and included in the Order of the Day:

9.1. Executive Reports;

9.2. Regional Representative Reports;

9.3. Métis Women of Saskatchewan Report;

9.4. Ministerial Reports, including, where applicable, Affiliate reports and audits;

9.5. Senate Report;

9.6. Provincial Métis Youth Council Report; and

9.7. Any other reports required by the Constitution or Legislation.

ARTICLE TEN- MINUTES

10. In this Act:

10.1. The Minutes of the Métis Nation Legislative Assembly will be:

10.1.1. Contracted out to an independent person or agency.

10.1.2. Forwarded to the Clerk of the Legislative Assembly.

10.1.3. The Minutes of the last Métis Nation Legislative Assembly will be included in the Order of the Day.

ARTICLE ELEVEN - LEGISLATION

11. In this Act:

11.1. New Legislation:

11.1.1. Will be tabled with the Clerk as per Constitutional and legislative requirements and included in the Order of the Day.

11.1.2. May be tabled only by the members of the Metis Nation Legislative Assembly.

11.1.3. Be ratified by the Métis Nation Legislative Assembly.

11.1.4. Be given a date upon which it will come into force.

11.2. Legislative Amendments will:

11.2.1. Be tabled by a member of the Métis Nation Legislative Assembly with the Clerk at least thirty (30) days in advance of the Assembly and included in the Order of the Day.

11.2.2. Be ratified by the Métis Nation Legislative Assembly.

11.2.3. Be given a date upon which it will come into force.

11.3. The President of the Métis Nation Legislative Assembly shall cause a certified copy of the Act and of any amendments made to it to be deposited in:

11.3.1. The legislative record of the Métis Nation Legislative Assembly held by the Secretary of the Métis Nation Legislative Assembly and situated in the Métis Nation - Saskatchewan 's head office;

11.3.2. The regional offices of the Métis Nation - Saskatchewan ; and

11.3.3. Such other places as the President considers necessary.

ARTICLE TWELVE - CONSTITUTION

12. Constitutional Amendments will:

12.1. Be forwarded to the Clerk according to Constitutional requirements and be included in the Order of the Day, if one of the two following conditions are met:.

12.1.1. Include approval by the Provincial Métis Council by virtue of signatures or resolution attached to the proposed constitutional amendment; or

12.1.2. Include approval by five (5) members of the Métis Nation Legislative Assembly by virtue of signatures attached to the proposed constitutional amendment.

ARTICLE THIRTEEN - APPEALS

13. By this Act:

13.1. A person may Appeal to the Métis Nation Legislative Assembly on citizenship, provided they have fulfilled the legislative requirements of the citizenship appeal process, by submitting a written report to the Clerk forwarded by registered mail including the grounds of their Appeal, any correspondence regarding the Appeal and the ruling of the Citizenship Appeal Board.

13.2. A person may Appeal to the Métis Nation Legislative Assembly on an election, provided they have fulfilled the legislative requirements of the election appeals process, by submitting a written report to the Clerk forwarded by registered mail including the grounds of their Appeal, any correspondence regarding the Appeal and the ruling of the Métis Election Commission.

13.3. The Métis Nation Legislative Assembly shall have the right to determine how it will deal with such Appeals, by either:

13.3.1. Adoption of the ruling of the Métis Election Commission or the Citizenship Appeal Board; or

13.3.2. Hear arguments based on the findings of fact by the Métis Election Commission or the Citizenship Appeal Board.

13.4. Where the Assembly chooses to hear arguments, the following procedure will be followed:

13.4.1. The Appellant and Respondent will be each given five (5) minutes to present their argument and two (2) minutes each to reply.

13.4.2. The Métis Nation Legislative Assembly will then render a decision through resolution.

13.5. Where a member of the Métis Nation Legislative Assembly is in a situation of conflict of interest on the matter at hand, the member must remove him/herself from the appeal process at the Assembly by declaring the conflict and refraining from debating and voting while the conflict remains.

ARTICLE FOURTEEN - PROCLAMATIONS

14. The Métis Nation Legislative Assembly is responsible to proclaim:

14.1. The date of the next Métis Nation - Saskatchewan election, as set out in the Election Act.

14.2. Holidays and days of commemoration, such as Louis Riel Day.

ARTICLE FIFTEEN - AFFILIATES

15. In this Act:

15.1. As per Article 14. 1. A of the Métis Nation - Saskatchewan Constitution, the Métis Nation Legislative Assembly, on behalf of the Métis Nation - Saskatchewan, shall exercise all voting rights, powers, and duties of ownership in relation to the affiliates, based upon the recommendation of the Provincial Métis Council.

15.2. The Affiliates will be responsible to submit an annual report including the audit to the Métis Nation Legislative Assembly through their Minister.

ARTICLE SIXTEEN - ENACTMENT

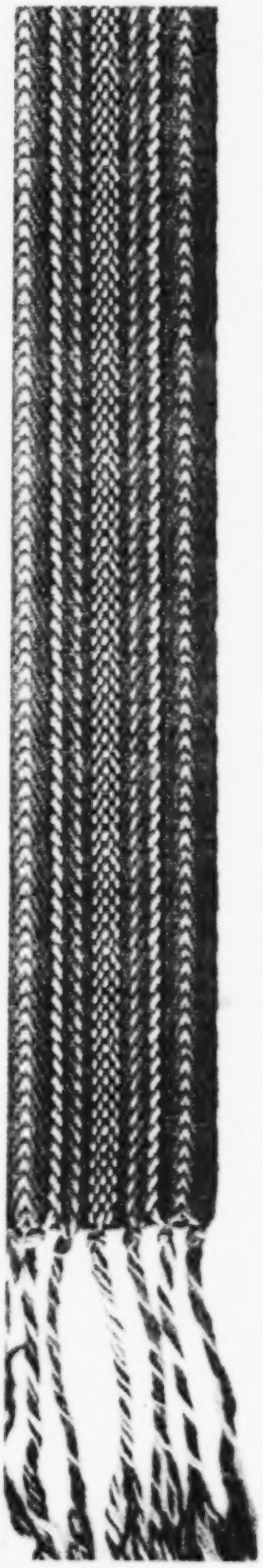
16. This Act:

16.1. Comes into force upon ratification by the Métis Nation Legislative Assembly.

16.2. Is binding on all citizens of the Métis Nation - Saskatchewan and its Affiliates and organizations.

16.3. Has received ratification by the Métis Nation Legislative Assembly this 6th day of November, 1999.

Appendix E



Métis Nation of Saskatchewan
Senate Act

Ratified November 6, 1999
Amended November, 2001

ARTICLE ONE - TITLE
ARTICLE TWO - INTERPRETATION
ARTICLE THREE - MANDATE AND POWERS OF THE SENATE
ARTICLE FOUR - QUALIFICATIONS FOR A SENATOR
ARTICLE FIVE - APPOINTMENT AND RATIFICATION OF SENATORS
ARTICLE SIX - TERM AND REMOVAL OF OFFICE
ARTICLE SEVEN - CODE OF ETHICS / STANDARDS OF CONDUCT
ARTICLE EIGHT - COMMITTEES OF THE SENATE
ARTICLE NINE - QUORUM AND VOTING
ARTICLE TEN - FINANCES
ARTICLE ELEVEN - RECORD KEEPING AND REPORTING PROCEDURES
ARTICLE TWELVE – GRANDFATHER CLAUSE
ARTICLE THIRTEEN - ENACTMENT

ARTICLE ONE - TITLE

1. This Act may be cited as "The Métis Nation - Saskatchewan Senate Act, 1999."

ARTICLE TWO - INTERPRETATION

2. In this Act:

2.1. "Act" shall mean the Métis Nation - Saskatchewan Senate Act.

2.2. "Métis Nation Legislative Assembly" shall mean the governing authority of the Métis Nation - Saskatchewan , as set out in the Constitution.

2.3. "Ordinarily Resident" shall mean the Region to which the person is registered as a member and the Region of the member's fixed home address to which whenever he/she is absent he/she has the intention of returning.

2.4. "Region" shall mean Regions as determined by the Métis Nation - Saskatchewan Constitution.

2.5. "Senate" shall mean the Métis Nation - Saskatchewan Senate.

2.6. "Senator" shall mean a member of the Métis Nation - Saskatchewan Senate.

ARTICLE THREE - MANDATE AND POWERS OF THE SENATE

3. The Senate shall:

3.1. Act as the judicial arm of the Métis Nation - Saskatchewan and where provided in the Constitution, shall be available for consultation by the Métis Nation Legislative Assembly in fulfilling its mission under the Métis Nation - Saskatchewan Constitution;

3.2. Be subject to the authority of this Act and the Métis Nation Legislative Assembly.

3.3. Be represented by one Senator per Region and one Senator to be appointed by the Métis Women of Saskatchewan.

3.4. Designate one Senator as the Chairperson of the Senate.

ARTICLE FOUR - QUALIFICATIONS FOR A SENATOR

4. A person is eligible for appointment to the Senate if he/she:

4.1.1. Is a citizen of the Métis Nation - Saskatchewan .

4.1.2. Is appointed by the membership at an area meeting or

4.1.3. Is an appointee of the Métis Women of Saskatchewan, appointed by their general assembly.

4.1.4. Is ordinarily resident in the Region of appointment.

4.1.5. Is non-partisan.

4.1.6. Is non-political, including Federal, Provincial and Métis governments.

4.1.7. Is at least fifty-five (55) years of age.

4.1.8. Has not been convicted of an indictable offence within five (5) years of appointment to the Senate, and has exhausted all appeals.

ARTICLE FIVE - APPOINTMENT AND RATIFICATION OF SENATORS

5. Senate appointments:

5.1. Shall be made by the membership by a show of hands or by ballot at a duly called area meeting, or in the case of the Métis Women of Saskatchewan by their general assembly.

5.2. Shall be forwarded in writing to the President of the Provincial Métis Council and the Senate Chairperson by the official charged with recording the minutes of the meeting at which the appointment was made. The submission will include a copy of the minutes of the meeting, indicating the motion.

5.3. Forwarded to the President of the Provincial Métis Council and the Senate Chairperson shall be accompanied by a resume and biography of the Senator.

5.4. Shall be sworn in by the Senate at their next meeting, if the conditions under Section 4 of this Act are met.

ARTICLE SIX - TERM AND REMOVAL OF OFFICE

6. In this Act:

6.1. The term of office for a Senator shall be for life:

6.2. Notwithstanding Article 6.1, the term of office of a Senator shall terminate if a Senator is:

6.2.1. Disqualified for violating any part of this Act or

6.2.2. Is unable to fulfil his/her duties on a permanent basis.

6.3. The term of office for the Chairperson of the Senate shall be:

6.3.1. For three years or until a written resignation is tabled at a Senate meeting.

6.3.2. Subject to reappointment by the Senate.

6.4. A Senator shall be removed from office by the Senate:

6.4.1. For being convicted of an indictable offence and all appeals are exhausted.

6.4.2. If he/she takes up residency outside of the province of Saskatchewan .

6.4.3. For actions unbecoming the stature of a Senator while holding office.

6.4.4. By voluntarily resigning in writing to the Chairperson of the Senate.

6.5. A Senator shall take a leave of absence from the office of the Senate for being charged with an indictable offence.

ARTICLE SEVEN - CODE OF ETHICS / STANDARDS OF CONDUCT

7. Each Senator shall comply with the following Code of Ethics / Standards of Conduct:

7.1. Function as a collective unit representing, serving and protecting the best interest of the Métis people and the Constitution of the Métis Nation - Saskatchewan and shall not sit on any elected local position nor serve on any regional or provincial Affiliate board including urban councils and advisory committees.

7.2. Understand that the Senate shall be driven by consensus, and any decisions or actions by a Senator without the authorization and approval of the Senate body shall be deemed null and void and therefore have no force and effect upon the Senate as a whole.

7.3. Devote time, thought and study to the responsibilities of a Senator necessary to render effective credible service in the Senate.

7.4. Encourage full and open dialogue in all matters with other members of the Senate.

7.5. Remove themselves from any committee of the Senate if they are in conflict of interest in carrying out the duties of that committee, pursuant to the applicable legislation.

ARTICLE EIGHT - COMMITTEES OF THE SENATE

8. Pursuant to this Act:

8.1. The Senate shall establish any such committees as are required by the Métis Nation - Saskatchewan Constitution or Legislation and as required to carry out the following duties:

8.1.1. Mediation and Arbitration

8.1.2. Veteran's Affairs

8.1.3. Central Registry and Citizenship Appeals

8.1.4. Regional and Local Disputes

8.1.5. Management of the Métis Nation - Saskatchewan during Election Period

8.1.6. Ceremonial Activities and Exchanges

8.1.6.1. Conducting Opening / Closing Prayers

8.1.6.2. Directing Swearing-In Ceremonies and Oaths

8.1.6.3. Presenting Awards and Gifts of Recognition

8.1.6.4. Displaying Métis Flags and Sashes.

8.2. The Senate shall appoint one Chairperson for each committee to serve as the spokesperson for that committee.

8.3. The Senate may delegate by resolution, the decision-making authority of any committee of the Senate to be the voice of the Senate and subject to ratification by Senate majority, unless otherwise provided in the Constitution or legislation.

ARTICLE NINE - QUORUM AND VOTING

9. To conduct official Senate business:

9.1. A simple majority of the Senators will constitute a quorum.

9.2. A quorum must be present at a meeting of the Senate, or at any meeting of a committee of the Senate.

9.3. Decisions made by a quorum of the Senate binds all members of the Senate to the motions and resolutions passed.

ARTICLE TEN - FINANCES

10. In order for the Senate to function:

10.1. Where fiscal resources are available, the Métis Nation - Saskatchewan , in accordance with the laws and regulations of the Métis Nation - Saskatchewan Treasury Board, shall provide financial resources to the Senate as required for the purposes of carrying out this Act.

10.2. Such resources shall be within the means available to the Métis Nation - Saskatchewan for such purposes.

10.3. The Chairperson of the Senate shall make formal written request to the Métis Nation - Saskatchewan Treasury Board for all expenditures of the Senate.

10.4. The Métis Nation - Saskatchewan shall actively pursue fiscal resources for the functions of the Senate.

10.5. Regions or Locals that require the involvement of the Senate to resolve disputes, will be responsible for Senate travel expenses and honorariums, until such time that the Métis Nation - Saskatchewan is able to provide resources to the Senate, as per Section 10.1 of this Act.

10.6. The Métis Nation - Saskatchewan will be responsible for travel expenses and honorariums for the Senate while conducting official Senate business, pursuant to this Act.

ARTICLE ELEVEN - RECORD KEEPING AND REPORTING PROCEDURES

11. In this Act:

11.1. The Senate shall keep written minutes of all meetings.

11.2. The minutes of Senate meetings shall be held by the Chairperson of the Senate.

11.3. The Senate shall submit an annual written report to be tabled with the Métis Nation Legislative Assembly thirty days prior to the Assembly to be included in the Order of the Day.

11.4. Before any Senate hearing, all Métis involved shall be sent a registered letter informing them of the proposed hearing.

11.5. An application to the Senate must be made in writing by registered letter outlining in detail the grievance(s).

11.6. All decisions of the Senate shall be recorded and one copy shall be sent by registered letter to each of the provincial head office, regional office and the parties involved.

ARTICLE TWELVE – GRANDFATHER CLAUSE

12. In this Act:

12.1. All existing Senators are grandfathered to this Act and will continue to act as Senators until their terms have expired, pursuant to this Act.

ARTICLE THIRTEEN - ENACTMENT

13. This Act:

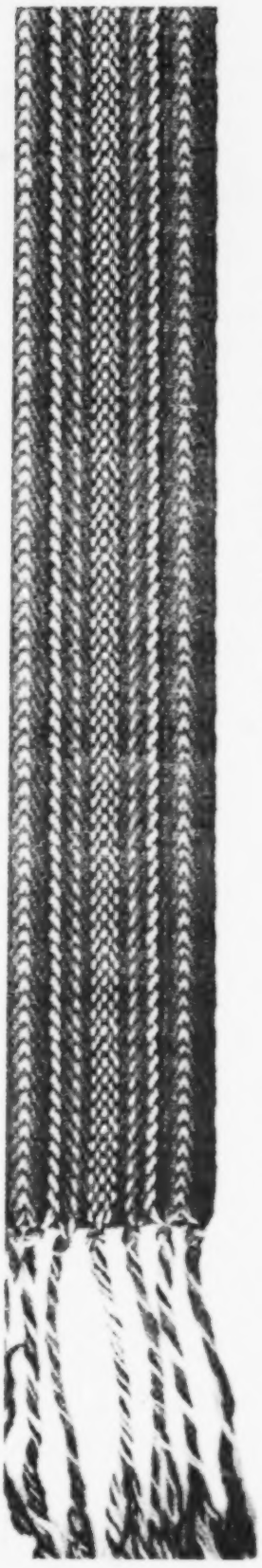
13.1. Comes into force upon ratification by the Métis Nation Legislative Assembly.

13.2. Is binding on all citizens of the Métis Nation - Saskatchewan and its Affiliates and organizations.

13.3. Repeals all former Senate legislation.

13.4. Has received ratification from the Métis Nation Legislative Assembly this 6th day of November, 1999.

Appendix F



Métis Nation of Saskatchewan Citizenship Act

Ratified November 6, 1999
Amended November 2001
Amended July 4, 2003

ARTICLE ONE - TITLE
ARTICLE TWO - INTERPRETATION
ARTICLE THREE - COMMUNITY ACCEPTANCE
ARTICLE FOUR - REGISTRATION PROCESS
ARTICLE FIVE - VOLUNTARY REMOVAL FROM REGISTRY
ARTICLE SIX – CENTRAL REGISTRY
ARTICLE SEVEN - REGISTRY OFFICE
ARTICLE EIGHT - THE REGISTRAR
ARTICLE NINE - CITIZENSHIP APPEAL BOARD
ARTICLE TEN - CITIZENSHIP APPEALS
ARTICLE ELEVEN - CHALLENGES TO PERSONS CURRENTLY REGISTERED
ARTICLE TWELVE - FINANCES
ARTICLE THIRTEEN - GRANDFATHER CLAUSE
ARTICLE FOURTEEN - ENACTMENT

ARTICLE ONE - TITLE

1. This Act may be cited as "The Métis Nation - Saskatchewan Citizenship Act, 1999."

ARTICLE TWO - INTERPRETATION

2. In this Act:

2.1. "Act" shall mean the Métis Nation - Saskatchewan Citizenship Act.

2.2. "Appeals" shall mean any written objection by a person who has been rejected entry in the Métis Nation - Saskatchewan Central Registry or by a Métis Nation - Saskatchewan citizen who is objecting to the registration of any person to the Métis Nation - Saskatchewan Central Registry.

2.3. "Child" shall mean a child of a Métis citizen.

2.4. "Citizenship Appeal Board" shall mean the Métis Nation -

Saskatchewan Citizenship Appeal Board.

2.5. "Membership" shall mean citizenship.

2.6. "Métis" shall mean a Métis citizen as defined by the Métis Nation - Saskatchewan Constitution.

2.7. "Métis community" shall mean the Locals as set out by the Constitution.

2.8. "Métis Local" shall mean a Métis Local listed in Schedule I of the Métis Nation - Saskatchewan Constitution.

2.9. "Métis Nation Legislative Assembly" shall mean the governing authority of the Métis Nation - Saskatchewan , as set out in the Constitution.

2.10. "Records" shall mean any records used to support an application for citizenship including historical records, church records, archival records, census records and oral history from Métis Elders.

2.11. "Registered" shall mean registered as a Métis under this Act.

2.12. "Registrar" shall mean the Registrar appointed by the Senate to administer the Central Registry.

2.13. "Genealogical evidence" shall mean evidence which indicates proof that an applicant's parent is, or parents are, of Métis Ancestry. (Amended July 4, 2003)

ARTICLE THREE - COMMUNITY ACCEPTANCE

3. In this Act:

3.1. The Métis Nation - Saskatchewan shall accept a person as Métis if the person can produce records denoting the person as having Métis ancestry and is accepted by a Métis community and if the person complies with the following conditions:

3.1.1. The person normally resides within the community or jurisdiction of the Métis Nation - Saskatchewan ; and

3.1.2. The person expressly held him/herself out to be Métis in the community or jurisdiction;

3.2. The authorized Métis Local must make its decision impartially and in good faith.

ARTICLE FOUR - REGISTRATION PROCESS

4. In this Act:

4.1. A person who wishes to be registered as a Métis may apply to a Métis Nation - Saskatchewan Local.

4.2. The Métis Nation - Saskatchewan Local President or Secretary must issue a card recognizing the person as Métis if they meet the requirements of this Act, but not before they are registered by the Registrar.

4.3. The parent or guardian of a child under 16 years of age may apply for registration on behalf of the child.

4.4. The guardian of a person who is under a mental or legal disability may apply for registration on behalf of the person.

4.5. No person is obliged to apply for registration.

4.6. In the case of an application for registration, the applicant must provide historical and genealogical evidence, such as the records or documents of a government, church or community, including oral testimony from a Métis Elder reduced to writing, to show that the person is a descendant of a Métis.

4.7. The Registrar shall review applications for registration and shall register a person as a Métis only if:

4.7.1. The person is entitled to be registered as a Métis pursuant to this Act and

4.7.2. The application is properly made.

4.8. Following the coming into force of this Act, the Registrar shall establish and implement a process to seek out and encourage the registration of all persons who are entitled to be registered as Métis.

ARTICLE FIVE - VOLUNTARY REMOVAL FROM REGISTRY

5. In this Act:

5.1. A person who is registered as a Métis citizen may, at any time, voluntarily remove him/herself from the registry.

5.2. The Registrar shall remove a person who, by written request, declares that he or she no longer wishes to be registered as a Métis.

5.3. A person who has removed him/herself from the registry may re-apply for registration.

ARTICLE SIX – CENTRAL REGISTRY

6. In this Act:

6.1. The Registrar shall maintain a uniform system for the registration of the citizens of the Métis Nation - Saskatchewan .

6.2. The following minimum information about a Métis citizen may be included in the Central Registry:

6.2.1. The person's name;

6.2.2. The person's address or place of residence;

6.2.3. The person's date of birth;

6.2.4. The person's marital status and the name of any spouse;

6.2.5. The dates of any marriages;

6.2.6. The names and dates of birth of any children of the person;

6.2.7. The Local under which the person has applied for registration;

6.2.8. The Mother's full name and date of birth;

6.2.9. The Father's full name and date of birth;

6.2.10. The other information submitted in support of the person's application for registration; and

6.2.11. Such genealogical information about the person as may exist.

6.3. The Registrar may collect and register additional demographic information about Métis citizens.

6.4. The Registrar shall treat the registry as confidential.

6.5. The Registrar shall cause the registry system to be kept safely by administrative, physical and technological safeguards that are reasonable and consistent with this Act.

6.6. The Registrar with the consent of the Provincial Metis Council may enter into agreements with the government of a province or territory or with the government of Canada respecting the collection and exchange of information for the better functioning of the registry system but may not disclose confidential information

without the consent of the registrant.

6.7. The process for registration shall be such that:

6.7.1. A person makes application to a Métis Local for citizenship by completing the Métis Nation - Saskatchewan Citizenship Application Form.

6.7.2. The President of the Métis Local submits the Citizenship Application Form to the Registrar for consideration and entry into the Registry.

6.7.3. The Registrar rejects or registers the person into the Registry and notifies the Métis Local President in writing of the decision.

6.7.4. In the event that the Registrar accepts the registration, the Registrar forwards a signed standardized Métis Nation - Saskatchewan Citizenship Card to the Métis Local President or Secretary who then issues the standardized Métis Nation - Saskatchewan Citizenship Card to the person.

6.7.5. The standardized Métis Nation - Saskatchewan Citizenship Cards shall be numbered consecutively following the Métis Local numbers.

6.7.6. Only the standardized Métis Nation - Saskatchewan Citizenship Cards shall be recognized as legitimate for the purposes of the Constitution and this Act.

6.7.7. The Provincial Métis Council will be responsible for the development of the Métis Nation - Saskatchewan Citizenship Application Form and the standardized Citizenship Card.

ARTICLE SEVEN - REGISTRY OFFICE

7. A Registry Office shall be established, based on available fiscal resources.

7.1. The Registry Office shall consist of:

7.1.1. The Registrar and

7.1.2. The staff of the Registry Office.

7.2. The Registry Office

7.2.1. is separate and independent from the public service of the Métis Nation but the staff of the Registry Office shall be

considered to be members of the public service for the purpose of employment benefits;

7.2.2. Shall act impartially and in good faith in the exercise of its functions; and

7.2.3. Is under the administrative direction of the Senate; and

7.2.4. Shall retain and provide copies of the standardized Métis Nation - Saskatchewan Citizenship Application Form and the standardized Métis Nation - Saskatchewan Citizenship Cards to Métis Local Presidents.

ARTICLE EIGHT - THE REGISTRAR

8. The Registrar:

8.1.1. Shall be appointed and directed by the Senate.

8.1.2. Shall hold office for a term set by the Senate.

8.1.3. May be removed from office only by the Senate.

8.1.4. Shall report in writing to the Métis Nation Legislative Assembly and the Provincial Métis Council through the Senate.

8.1.5. Shall maintain the Central Registry.

8.1.6. Shall administer this Act.

8.1.7. Shall accept and review applications for citizenship submitted on the standardized Citizenship Application Form by a Métis Local President and decide whether a person is entitled to be registered pursuant to this Act.

8.1.8. Shall respond in writing to the Métis Local President on the decision of an application for citizenship.

8.1.9. Shall make decisions on the voluntary removal from the registry of individuals pursuant to this Act.

8.1.10. Shall forward Appeals to the Citizenship Appeal Board on the issue, pursuant to this Act.

8.1.11. Shall ensure that the relevant files are provided to the Citizenship Appeal Board in cases of appeal.

8.1.12. Shall ensure that a final report is written and filed on any

appeal that comes before the Registrar or the Citizenship Appeal Board.

8.1.13. Shall manage the staff of the Registry Office.

8.1.14. Shall have a seal of office that may be reproduced by the Registrar in any manner and has the same effect whether it is manually applied or otherwise reproduced.

8.1.15. Shall deliver an annual report to the Provincial Métis Council, to be submitted to the Métis Nation Legislative Assembly, through the Senate, within 60 days following the end of each calendar year.

ARTICLE NINE - CITIZENSHIP APPEAL BOARD

9. The Citizenship Appeal Board shall:

9.1. Hear and resolve appeals from a decision of the Registrar.

9.2. Be composed of three Senators, appointed by the Métis Nation Legislative Assembly, for a term of three years but may be removed for cause by the Métis Nation Legislative Assembly. A Senator who is a member of the Citizenship Appeal Board and whose term has expired may be re-appointed.

9.3. Appoint one member of the Citizenship Appeal Board to be the Chairperson of the Citizenship Appeal Board.

9.4. Have an official seal, which shall be judicially noticed.

9.5. Shall have, in regards to attendance, swearing in and examination of witnesses, the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record.

9.6. Shall be responsible for all citizenship appeals, the decision of which is subject only to appeal to the Métis Nation Legislative Assembly.

9.7. Shall conduct appeal hearings in accordance with such rules of procedures as are necessary and as are ratified by the Provincial Métis Council.

9.8. May appoint a person to inquire into and report on any matter before making a decision on it.

9.9. May sit and make a determination with a majority of members in

attendance.

9.10. May make such orders and regulations as are necessary for the purpose of carrying out this Act, subject to ratification by the Provincial Métis Council.

9.11. Make recommendations to the Métis Nation Legislative Assembly in the event of final appeal by a person regarding registry.

ARTICLE TEN - CITIZENSHIP APPEALS

10. The process for Appeals will be such that:

10.1. The Appellant bears the burden of proof.

10.2. Any person who has made application on the Métis Nation - Saskatchewan Citizenship Application Form to a Métis Local President and is denied registry by the Métis Local President is entitled to appeal this decision in writing to the Registrar within thirty (30) days of the President's decision.

10.3. Any person whose Citizenship Application Form has been forwarded by a Métis Local President to the Registrar and has been rejected in writing by the Registrar may appeal in writing to the Citizenship Appeal Board within thirty (30) days of the Registrar's decision.

10.4. Any person whose application has been rejected by the Citizenship Appeal Board may appeal in writing to the Métis Nation Legislative Assembly, whose decision shall be final and binding, complying with the requirements set out in the Métis Nation - Saskatchewan Legislative Assembly Act, and shall do so within thirty (30) days of the Citizenship Appeal Board's decision.

10.5. All appeals by a person regarding rejection of registration by the Local President or Registrar or Citizenship Appeals Board must include:

10.5.1. The name and address of the person who has been rejected;

10.5.2. The Local to which application was made;

10.5.3. The evidence submitted as proof of Métis ancestry;

10.5.4. Copies of all correspondence regarding the appeal;

10.5.5. The signature of the person who has been rejected; and

10.5.6. The date of submission of the appeal.

10.6. Any person whose registration is being objected to shall be given a reasonable opportunity to make representation in the case at each level, and shall receive copies of all correspondence regarding the appeal.

10.7. The decision of the Citizenship Appeal Board must be in writing, signed by the deciding members of the Citizenship Appeal Board, and forwarded to the affected parties within 14 days of the date of its decision.

10.8. The Registrar shall take whatever steps are necessary to implement the decision of the Citizenship Appeal Board.

10.9. All appeals are confidential and shall be treated as such by all involved parties.

ARTICLE ELEVEN – CHALLENGES TO PERSONS CURRENTLY REGISTERED

11. Challenges to persons registered as Métis may be made by Métis citizens registered in the Central Registry:

11.1. Challenges of Métis ancestry to persons currently on MNS citizenship/membership lists may be made by Métis citizens/members in writing to the Registrar. The challenge must include the full name of the person being challenged, the Local which that person is registered with, and the grounds for the challenge. The person so challenged will be notified by the Registrar in writing and shall have the right to refute that challenge by providing evidence that he/she is in fact Métis the burden of proof being the same as required for all persons applying for inclusion as Métis under this Act.

11.2. The written decision of the Registrar shall be forwarded by registered mail to both parties, and shall inform them of their right to appeal within thirty (30) days to the Citizenship Appeal Board.

11.3. The Citizenship Appeal Board shall provide at least two (2) weeks notice to both parties of the appeal hearing date and then render its decision in writing by registered mail to both parties to the appeal and inform them of their right to appeal to the Métis Nation Legislative Assembly.

11.4. The decision of the Citizenship Appeal Board may be appealed by either party in writing to the Métis Nation Legislative Assembly, whose decision shall be final and binding. Such appeal must be registered in conformity with the Métis Nation Legislative Assembly Act within thirty (30) days after receipt of the Citizenship Appeal Board's written decision.

(Amended July 4, 2003)

ARTICLE TWELVE - FINANCES

12. The remuneration and employment benefits of the Registrar, the staff of the Registry Office and the Citizenship Appeals Board shall be established by the Métis Nation - Saskatchewan Treasury Board, based on available fiscal resources.

ARTICLE THIRTEEN - GRANDFATHER CLAUSE

13. In Grandfathering existing memberships.

13.3. Those members currently listed on the Métis Nation updated Local Membership Lists shall be automatically entered into the Central Registry and receive the new standardized Métis Nation - Saskatchewan Citizenship Card. All Métis not currently listed on the Métis Local Membership Lists shall have to apply for registration as a Citizen of the Métis Nation – Saskatchewan on the standardized Métis Nation – Saskatchewan Citizenship Application Form. (Amended July 4, 2003)

ARTICLE FOURTEEN - ENACTMENT

14. This Act:

14.3. Comes into force upon ratification by the Métis Nation Legislative Assembly.

14.4. Is binding on all citizens of the Métis Nation - Saskatchewan and its Affiliates and organizations.

14.5. Repeals all former citizenship legislation.

14.6. Has received ratification on this 6th day of November, 1999.

Form C100

METIS NATION OF SASKATCHEWAN
CITIZENSHIP APPLICATION FORM

1. NAME
NAME TO APPEAR ON CITIZENSHIP CARD

Surname

First Name

Middle Name(s)

FORMER SURNAME(S)

Surname at birth

Former Name

2. PERSONAL INFORMATION

Date of Birth | Place of Birth

Gender | Marital Status | Date of Marriage

Name of Spouse

NAME(S) OF CHILDREN

Surname	First Name	Date of Birth	Place of Birth	Gender

Saskatchewan Health Card Number

NAME OF MOTHER AND FATHER

Surname	First Name	Date of Birth	Place of Birth

PERMANENT ADDRESS

Street Number and Name/PO Box No. | City and Province | Postal Code

Telephone Number | Occupation

Form C100

3. METIS LOCAL INFORMATION

Local Name	Local Number	Address of Local

4. COMMUNITY ACCEPTANCE

Name of Local President

Name of Regional Director

Signature of Local President | Signature Date

Signature of Regional Director | Signature Date

5. OATH OF ALLEGIANCE

I make a statutory declaration that I am a Metis within the meaning of the Constitution of the Metis Nation of Saskatchewan. I swear that all the information provided by me is true and I pledge to honour the Constitution and Legislation and follow the rules and regulations established by the Metis Nation of Saskatchewan as amended from time to time.

Applicant's Signature(or Parent of Applicant)

Date of Signature

Witness' Signature

Date of Signature

6. REGISTRY OFFICE: OFFICE USE ONLY

Date Application Received	Attached Supporting Documents Checklist
	Census Records
Application Complete	Archival Records
Yes / No	Church Records
Date Received	Historic Records
	Oral Testimony (Transcribed)
Rejected	Genealogical Information
Yes / No	Government Records
Date of Processing	Community Records
	Notes

Metis Nation of Saskatchewan Citizenship Number

METIS NATION – SASKATCHEWAN (MN-S)
THE RIEL METIS COUNCIL OF REGINA INC. (RMCR)
MEMBERSHIP APPLICATION FORM

NAME:_____
(First) (Middle) (Last)

ADDRESS:_____

TELEPHONE:_____ **NAME OF COUNCIL:** Riel Metis Council of Regina Inc.

DECLARATION: I declare that I am a Metis person as defined by the MN-S constitution and as such am entitled to membership within the MN-S Riel Metis Council.

Hospitalization # (optional) _____

Date of Birth Day) _____ **Month)** _____ **Year)** _____

Name of Local President: _____

Signature of Applicant:_____

Name of Spouse: _____ **Parent(s)** _____

_____

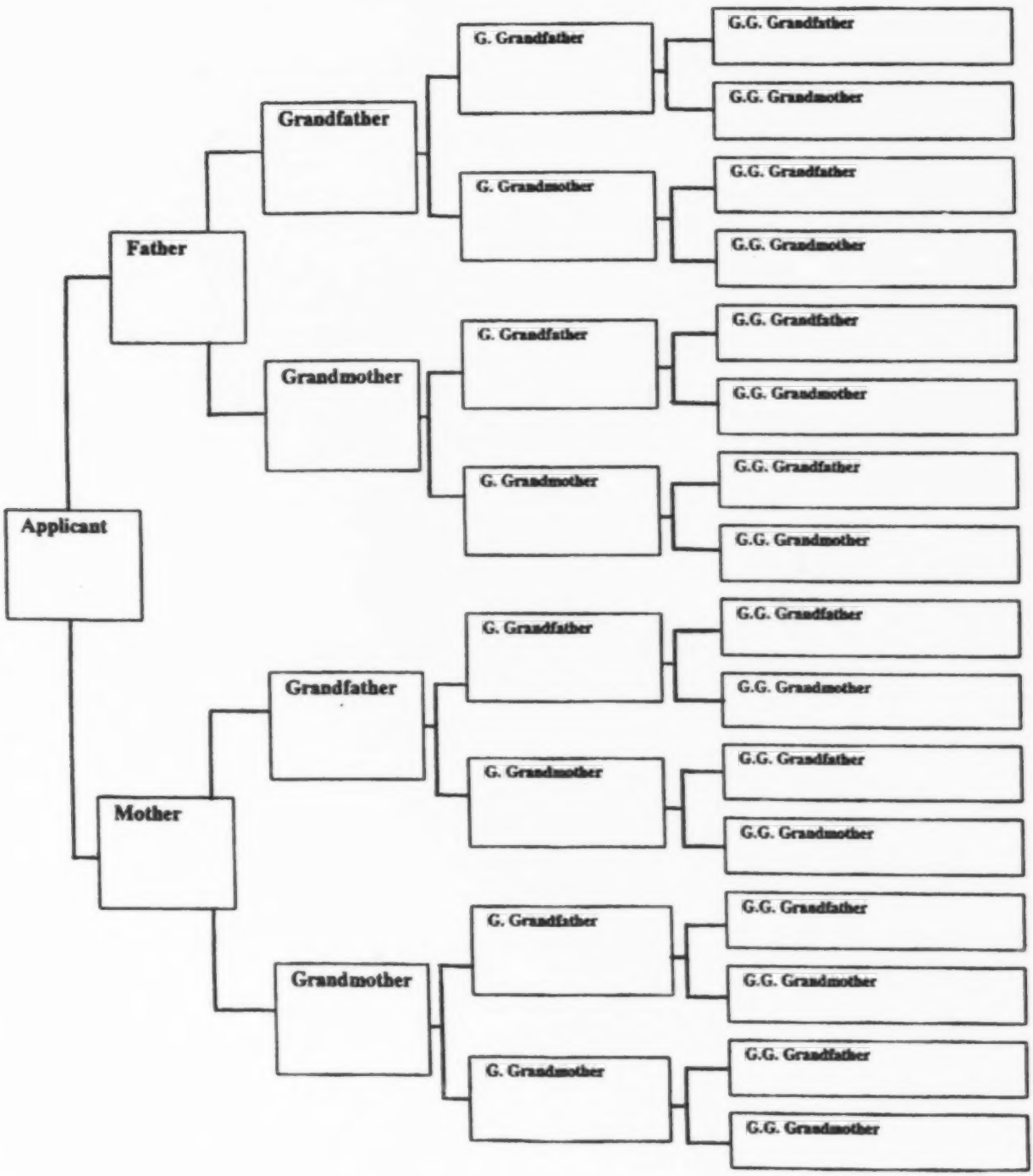
Date: _____

CHILDREN (15 years of age and under)

Last Name	First Name	M/F	Born D/M/Y	Birthplace

Last name First Middle

Please complete where possible showing Aboriginal/Metis ancestry for yourself.



Appendix G

The Métis Act

being

Chapter M-14.01 of *The Statutes of Saskatchewan, 2001* (effective January 28, 2002).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-14.01

An Act to recognize contributions of the Métis and to deal with certain Métis institutions

WHEREAS the existing Aboriginal rights of Métis people are protected pursuant to section 35 of the *Constitution Act, 1982*;

AND WHEREAS the Government of Saskatchewan wishes to work in partnership with the Government of Canada and the Métis people to promote and strengthen the capacity for Métis governance of Métis institutions and communities;

AND WHEREAS, pursuant to section 14.1 of *The Interpretation Act, 1995*, nothing in this Act is to be construed as abrogating or derogating from the existing Aboriginal rights of Métis people mentioned in section 35 of the *Constitution Act, 1982*;

AND WHEREAS nothing in this Act is to be construed as altering or affecting the position of the Government of Saskatchewan that legislative authority in relation to Métis people rests with the Government of Canada pursuant to section 91(24) of the *Constitution Act, 1867*;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I
Short Title

Short title

1 This Act may be cited as *The Métis Act*.

PART II
Recognition of Métis Contributions

Recognition of Métis contributions

2 The purpose of this Part is to recognize the contributions of the Métis people to the development and prosperity of Canada, including:

(a) the rich and evolving history of the Métis people;

(b) the cultural distinctiveness of the Métis communities and traditional ways of life of the Métis people;

(c) the importance of the languages of the Métis people, including the Michif language, to Canada's culture and heritage;

(d) the distinctive culture and cultural legacy of the Métis people, as symbolized by the Métis flag, the Métis sash, the Red River cart, the fiddle and the Red River jig;

(e) the significance of the Métis farms and the Batoche historic site;

(f) the honourable and invaluable service of the Métis veterans during the two World Wars and the Korean War and in many peace-keeping missions around the world;

(g) the importance of Métis entrepreneurs to Canada's economy, beginning in the 18th Century with the historic involvement of the Métis in the North West fur trade;

(h) the leadership role of Métis institutions in providing educational, social and health services to Métis people, and the contribution of those institutions to the delivery of those services; and

(i) the important contribution of the Métis Nation - Saskatchewan in representing the needs and aspirations of the Métis people.

2001, c.M-14.01, s.2.

PART III
Bilateral Process

Bilateral process

3(1) The Government of Saskatchewan and the Métis Nation - Saskatchewan will work together through a bilateral process to address issues that are important to the Métis people, including the following:

(a) capacity building;

(b) land;

(c) harvesting;

(d) governance.

(2) Where the Government of Saskatchewan and the Métis Nation - Saskatchewan consider it appropriate, they may enter into a memorandum of understanding that reflects the discussions resulting from the bilateral process mentioned in subsection (1).

2001, c.M-14.01, s.3.

PART IV
Métis Nation – Saskatchewan Secretariat Inc.

Interpretation of Part

4 In this Part:

(a) **"corporation"** means the Métis Nation - Saskatchewan Secretariat Inc. established pursuant to section 5;

(b) **"director"** means, except in section 16, a director of the corporation;

(c) **"Director"** means the Director within the meaning of *The Non-profit Corporations Act, 1995*.

2001, c.M-14.01, s.4.

MNS Secretariat Inc. established

5(1) The Métis Nation - Saskatchewan Secretariat Inc. is established pursuant to this Act as a body corporate without share capital.

(2) The corporation is the administrative body by which the policies and programs of the Métis Nation - Saskatchewan may be carried out and administered.

2001, c.M-14.01, s.5.

Powers

6 Subject to this Act, the corporation has the capacity, rights, powers and privileges of a natural person.

2001, c.M-14.01, s.6.

Board of directors

7(1) The board of directors consists of those persons who are members of the Provincial Métis Council of the Métis Nation - Saskatchewan.

(2) The board of directors shall direct and manage the activities and affairs of the corporation.

(3) The board of directors shall formalize its decisions by resolution or bylaw.

2001, c.M-14.01, s.7.

Bylaws

8 Bylaws shall be made for the governance and proper administration of the corporation's activities, affairs, property and interests.

2001, c.M-14.01, s.8.

Special meetings

9(1) If a petition that requests the holding of a special meeting and that is signed by at least 250 Métis individuals of Saskatchewan is delivered to the head office of the corporation, the board of directors shall, within 60 days, hold a special meeting with the Métis people of Saskatchewan to discuss any matter stated in the petition respecting the operation of the corporation.

(2) The board of directors shall cause a notice of the meeting mentioned in subsection (1) to be published:

(a) at least seven days before the day of the meeting; and

(b) in at least two newspapers having general circulation in Saskatchewan.

2001, c.M-14.01, s.9.

Records

10 The corporation shall maintain, at its head office or at any other place in Saskatchewan designated in the bylaws, the following:

(a) the bylaws of the corporation and all amendments to them;

(b) the minutes of meetings and resolutions of:

(i) the directors;

(ii) any committee of the corporation; and

(iii) any meeting held pursuant to section 9;

(c) copies of all notices published pursuant to subsection 9(2);

(d) the audited financial statements of the corporation.

2001, c.M-14.01, s.10.

Access to records

11 Any Métis individual of Saskatchewan, or his or her agent, and any other person may examine the records mentioned in section 10 during the usual business hours of the corporation and may make copies on payment of a reasonable fee to the corporation.

2001, c.M-14.01, s.11.

Filing

12(1) Within 15 days after the coming into force of this Act, the corporation shall file with the Director:

(a) a notice of the names and addresses of the directors of the corporation; and

(b) a notice of the location and address of the head office of the corporation.

(2) Within 15 days after a change occurs in the name or address of a director of the corporation or in the location or address of the head office of the corporation, the corporation shall file with the Director, as the case requires:

(a) a notice of the names and addresses of the directors of the corporation; or

(b) a notice of the location and address of the head office of the corporation.

(3) Within 90 days after the end of the corporation's fiscal year, the corporation shall file with the Director an audited financial statement of the corporation for that fiscal year.

2001, c.M-14.01, s.12.

Fiscal year

13 The fiscal year of the corporation is the period prescribed in the bylaws of the corporation.

2001, c.M-14.01, s.13.

Audit

14(1) The corporation shall appoint a duly qualified auditor who shall audit the records, accounts and financial statements of the corporation:

(a) annually; and

(b) at any other time that the corporation may direct.

(2) An auditor appointed pursuant to subsection (1) must be independent of the corporation and its directors, officers and employees.

(3) For the purposes of subsection (2), independence is to be determined in accordance with the rules set out in subsection 148(2) of *The Non-profit Corporations Act, 1995*.

(4) Subsections 156(5) to (9) and sections 157 and 158 of *The Non-profit Corporations Act, 1995* apply, with any necessary modification, to the corporation and its auditor, directors, officers and employees.

2001, c.M-14.01, s.14.

Application of *The Non-profit Corporations Act, 1995*

15(1) Any Métis individual of Saskatchewan or any creditor of the corporation may exercise the powers of a member or a security holder, as the case may be, pursuant to sections 214 to 220 of *The Non-profit Corporations Act, 1995*, and those provisions apply, with any necessary modification, to the corporation and its directors, officers and employees.

(2) For the purposes of this section, any Métis individual of Saskatchewan is deemed to have the status of a member within the meaning of *The Non-profit Corporations Act, 1995*.

2001, c.M-14.01, s.15.

Subsidiaries

16(1) In this section, **"subsidiary"** means a subsidiary corporation without share capital.

(2) A bylaw may be made to establish any subsidiary that the corporation considers necessary to carrying out its objects.

(3) A bylaw made pursuant to subsection (2) must:

(a) name the first directors of the subsidiary and their terms of office; and

(b) prescribe how directors, other than the first directors, are to be appointed or elected.

(4) Every subsidiary established pursuant to this section is a body corporate and has the capacity, rights, powers and privileges of a natural person.

(5) Sections 8 to 15 apply, with any necessary modification, to every subsidiary established pursuant to this section.

(6) Within 15 days after establishing a subsidiary pursuant to this section, the corporation shall file a notice with the Director specifying:

(a) the name of the subsidiary;

(b) the names and addresses of the first directors of the subsidiary;

(c) the location and address of the head office of the subsidiary; and

(d) the fiscal year of the subsidiary.

(7) The corporation may, by bylaw, dissolve a subsidiary, and all remaining rights, obligations, assets and liabilities of the subsidiary on dissolution are transferred to and become the rights, obligations, assets and liabilities of the corporation.

(8) Within 15 days after dissolving a subsidiary pursuant to this section, the corporation shall file a notice with the Director respecting the dissolution.

2001, c.M-14.01, s.16.

Dissolution of predecessor corporation

17(1) In this section, **"predecessor corporation"** means the Métis Nation of Saskatchewan Secretariate Incorporated, incorporated pursuant to *The Non-profit Corporations Act, 1995*.

(2) The predecessor corporation is dissolved.

(3) On the dissolution of the predecessor corporation pursuant to this section:

(a) the rights, obligations, assets and liabilities, as at the date of the coming into force of this section, of the predecessor corporation, as the predecessor corporation existed on the day before the coming into force of this section, are transferred to and become the rights, obligations, assets and liabilities of the corporation;

(b) the corporation may, in its own name, commence and maintain any actions or proceedings, exercise any powers and claim any rights or remedies that the predecessor corporation could have commenced, maintained, exercised or claimed before the coming into force of this section; and

(c) any actions or proceedings that could have been brought or maintained against the predecessor corporation, and any rights or remedies that could have been claimed against the predecessor corporation, before the coming into force of this section may be brought or maintained or claimed against the corporation.

2001, c.M-14.01, s.17.

PART V
Coming into Force

Coming into force

18 This Act comes into force on proclamation.

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Appendix H

The Non-profit Corporations Act, 1995

Loi de 1995 sur les sociétés sans but lucratif

being

Chapter N-4.2 of the *Statutes of Saskatchewan, 1995* (effective May 18, 1995) as amended by the *Statutes of Saskatchewan*, 1997, c.T-22.2; 1998, c.C-45.2; 2001, c.9; and 2003, c.33.

Chapitre N-4,2 des *Lois de la Saskatchewan de 1995* (en vigueur à partir du 18 mai 1995) tel que modifié par les *Lois de la Saskatchewan*, 1997, ch.T-22,2; 1998, ch.C-45,2; 2001, ch.9; et 2003, ch.33.

NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

N.B.
Cette refonte n'est pas officielle. Les modifications ont été incorporées pour la commodité du lecteur. On devrait donc consulter les lois et règlements originaux pour toutes fins d'interprétation et d'application de la loi. Dans le but de préserver l'intégrité des lois et règlements originaux, les erreurs qui ont pu s'y glisser se trouvent reproduites dans cette refonte.

2003-1

DIVISION XVII – INVESTIGATION

Investigation

214(1) A member, a security holder or the Director may apply *ex parte*, or on any notice that the court may require, to a court having jurisdiction in the place where the corporation has its registered office for an order directing an investigation to be made of the corporation and any of its affiliated corporations.

(2) Where, on an application pursuant to subsection (1), it appears to the court that any of the following have taken place, the court may order an investigation to be made of the corporation and any of its affiliated corporations:

(a) the activities or affairs of the corporation or any of its affiliates are or have been carried on or conducted with intent to defraud any person;

(b) the activities or affairs of the corporation or any of its affiliates are or have been carried on or conducted, or the powers of the directors are or have been exercised, in a manner that is oppressive or unfairly prejudicial to or that unfairly disregards the interests of a member or security holder;

(c) the corporation or any of its affiliates was formed for a fraudulent or unlawful purpose or is to be dissolved for a fraudulent or unlawful purpose;

(d) persons concerned with the formation or activities or affairs of the corporation or any of its affiliates have acted fraudulently or dishonestly.

(3) Where a member or a security holder makes an application pursuant to subsection (1), he or she shall give the Director reasonable notice of the application, and the Director is entitled to appear and be heard in person or by counsel.

(4) An applicant pursuant to this section is not required to give security for costs.

(5) An *ex parte* application pursuant to this section is to be heard in private.

(6) No person may publish anything relating to *ex parte* proceedings pursuant to this section except with the authorization of the court or the written consent of the corporation being investigated.

1995, c.N-4.2, s.214.

Powers of court

215(1) In connection with an investigation pursuant to this Division, the court may make any order it considers appropriate, including an order:

(a) to investigate;

(b) appointing an inspector, who may be the Director, fixing the remuneration of an inspector, and replacing an inspector;

(c) determining the notice to be given to any interested person, or dispensing with notice to any person;

(d) authorizing an inspector to enter any premises in which the court is satisfied there might be information relevant to the investigation, and to examine any thing and make copies of any document or record found on the premises;

(e) requiring any person to produce documents or records to the inspector;

(f) authorizing an inspector to conduct a hearing, administer oaths and examine any person on oath, and prescribing rules for the conduct of the hearing;

(g) requiring any person to attend a hearing conducted by an inspector and to give evidence on oath;

(h) giving directions to the inspector or any interested person on any matter arising in the investigation;

(i) requiring an inspector to make an interim or final report to the court;

(j) determining whether a report of an inspector should be published and, if so, ordering the Director to publish the report in whole or in part or to send copies to any person the court designates;

(k) requiring an inspector to discontinue an investigation;

(l) requiring the corporation to pay the costs of the investigation.

(2) An inspector shall send to the Director a copy of every report made by the inspector pursuant to this Division.

1995, c.N-4.2, s.215.

Powers of inspector

216(1) An inspector pursuant to this Division has the powers set out in the order appointing him or her.

(2) In addition to the powers set out in the order appointing him or her, an inspector appointed to investigate a corporation may furnish to, or exchange information and otherwise co-operate with, any public official in Canada or elsewhere who is authorized to exercise investigatory powers and who is investigating, respecting the corporation, any allegation of improper conduct that is the same as or similar to the conduct described in subsection 214(2).

(3) On request an inspector shall produce to an interested person a copy of any order made pursuant to subsection 215(1).

1995, c.N-4.2, s.216.

Hearing in private and right to counsel

217(1) Any interested person may apply to the court for:

(a) an order that a hearing conducted by an inspector pursuant to this Division be heard in private; and

(b) directions on any matter arising in the investigation.

(2) A person whose conduct is being investigated or who is being examined at a hearing conducted by an inspector pursuant to this Division has a right to be represented by counsel.

1995, c.N-4.2, s.217.

Incriminating statements

218 No person is excused from attending and giving evidence and producing documents and records to an inspector pursuant to this Division by reason only that the evidence tends to incriminate him or her or subject him or her to any proceeding or penalty, but none of that evidence shall be used or is receivable against him or her in any proceeding instituted against him or her other than a prosecution for perjury in giving the evidence or a prosecution pursuant to section 133 or 136 of the *Criminal Code* respecting that evidence.

1995, c.N-4.2, s.218.

Absolute privilege

219 Any oral or written statement or report made by an inspector or any other person in an investigation pursuant to this Division has absolute privilege.

1995, c.N-4.2, s.219.

Solicitor-client privilege

220 Nothing in this Division is to be construed to affect the privilege that exists respecting a solicitor and his or her client.

1995, c.N-4.2, s.220.

Inquiries

221 The Director may make inquires of any person relating to compliance with this Act.

1995, c.N-4.2, s.221.

DIVISION XVIII – REMEDIES, OFFENCES AND PENALTIES

Interpretation of Division

222 In this Division:

"action" means an action pursuant to this Act; (*«action»*)

"complainant" means:

(a) a member or a registered holder or beneficial owner, and a former registered holder or beneficial owner, of a security of a corporation or any of its affiliates;

(b) a director or an officer or a former director or officer of a corporation or of any of its affiliates;

(c) the Director; or

(d) any other person who, in the discretion of the court, is a proper person to make an application pursuant to this Division. (*«plaignant»*)

1995, c.N-4.2, s.222.